

20.03.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (NDPS) 417 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2023 in connection with Jiaganj Police Station Case No.15 of 2019 dated 06.01.2019 under Sections 20/29 of the NDPS Act. (NDPS Case No.25 of 2019)

And

In Re: ***Minarul Biswas @ Dany***

... .. Petitioner

Mr. Jisan Iqbal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in trial. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though the petitioner is in custody for more than four years, there is very slow progress in trial. Under such circumstances, co-accuseds have been enlarged on bail. Petitioner stands on the same footing with that of co-accuseds who have been enlarged on bail and may be extended the same privilege.

Therefore, the accused/petitioner, namely ***Minarul Biswas @ Dany***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Berhampore, Murshidabad subject to condition that the said petitioner shall appear before the trial court on every date

of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)