

21.03.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 432 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.34 of 2019 arising out of S.T.F. P. S. Case No.32 of 2019 dated 24.08.2019 under Sections 22(C)/29 of the NDPS Act.

In the matter of : Ph. Esha Ali @ Amuba.

.... Petitioner.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Aliul Islam.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. Co-accused has been enlarged on bail. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Petitioner is in custody for more than three years. No witness has been examined as yet. There is inordinate delay in trial. Co-accused has been enlarged on bail. Petitioner is entitled to similar treatment. Hence, he may be released on bail.

Accordingly, the petitioner viz., Ph. Esha Ali @ Amuba shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Bench-I, City Sessions Court, Calcutta subject to condition that he 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.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)