

23.03.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 467 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with STF Police Station Case No.30 of 2019 dated 10.08.2019 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.32 of 2019)

And

In Re: ***Musaddik Ali @ Chotu***

... .. Petitioner

Ms. Minoti Gomes
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial. Co-accused has 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 three years, there is very slow progress in trial. Under such circumstances, co-accused has been enlarged on bail. Petitioner stands on the same footing with the co-accused who has been enlarged on bail and may be extended the same privilege.

Therefore, the accused/petitioner, namely ***Musaddik Ali @ Chotu***, 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, Bench-I, City Sessions Court, Calcutta 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.)