

29.03.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 568 of 2023

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

In the matter of : Md. Shalaoddin @ Salao @ Md.
Salaoddin @ Md. Salaouddin.
.... Petitioner.

Mr. Ramashis Mukherjee,
Mr. Debasish Mallick Chowdhury,
Mr. S. Mukherjee.
...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.
...for the State.

Petitioner is in custody for more than three and half years. He submits there is inordinate delay in trial. Co-accused viz., Sagar Dey has been enlarged on bail. He prays for bail on parity.

Learned Advocate for the State produces the Case Diary.

We have considered the materials on record. There is inordinate delay in trial. Co-accused viz., Sagar Dey has been enlarged on bail on the ground of delay. Petitioner is entitled to similar treatment.

Hence, he may be enlarged on bail on parity.

Accordingly, the petitioner viz., Md. Shalaoddin @ Salao @ Md. Salaoddin @ Md. Salaouddin 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, Special Court under NDPS Act, 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.)