

03.04.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 625 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.03.2023 in connection with STF Police Station Case No.38 of 2019 dated 14.10.2019 under Sections 22(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.43 of 2019)

And

In Re: ***Akhtarul Gazi***

... .. Petitioner

Md. Khairul

... .. 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 slow progress in trial.

Learned Advocate for the State opposes the prayer for bail and submits delay is due to abscondence of co-accused.

We have considered the materials on record. Some of the co-accused were enlarged on bail by the learned trial Judge. By order dated 23.02.2022 in CRM 6319 of 2021, a coordinate Bench of this court cancelled their bail. One of the co-accused viz. Baki Billa Gazi @ Billu challenged the order in the Apex Court. In Special Leave to Appeal (Crl.) No.11181 of 2022, the Apex Court stayed the order of the High Court. The matter is pending before the Hon'ble Apex Court. Another co-accused viz. Syeed Sahid Ahamed @ Sakil Ahmed is on bail granted by another co-ordinate Bench of this court. Petitioner stands on the same footing with Syeed Sahid Ahamed @ Sakil Ahmed and is entitled to be released on bail on parity. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

Therefore, the accused/petitioner, namely ***Akhtarul Gazi***, be released on bail upon furnishing bond of Rs.40,000/- (Rupees Forty 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of North 24-Parganas except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Swarupnagar Police Station once in a week until further orders.

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.)