

05.04.2023
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allowed

CRM (NDPS) No. 644 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balagar Police Station Case No. 31 of 2020 dated 15.02.2020 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : Toton Hawlader petitioner

Mr. Arunava Ganguly

.....for the petitioner

Mr. Ranadeb Sengupta

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted there is inordinate delay in trial and co-accused has been enlarged on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. On the premise of inordinate delay in trial co-accused, Nile Malik was enlarged on bail. Petitioner stands on the same footing with the said co-accused. Accordingly, we are inclined to extend the same privilege to the petitioner.

Accordingly, we direct that the petitioner 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, Hooghly, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)