

10.04.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 691 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl. Case No.28 of 2021 arising out of Kaliachak P. S. Case No.314 of 2021 dated 16.03.2021 under Sections 21(C)/29 of the NDPS Act read with Sections 25(i)(a)/35 of the Arms Act.

In the matter of : Rakesh Kumar & Ors.

.... Petitioners.

Mr. Abhinaba Patra,
Mr. Partha Sarathi Das,
Ms. Shanta Santr.

...for the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Debjani Dasgupta.

...for the State.

Petitioner is in custody for two years and one month. Co-accused has been enlarged on bail. He prays for bail on the ground of parity.

Learned Advocate for the State opposes the bail prayer and produces the Case Diary.

We have considered the materials on record. Petitioner is in custody for more than two years. There is inordinate delay in trial. Co-accused has been enlarged on bail.

Under such circumstances, we are inclined to grant bail to the petitioner on parity.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Malda subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)