

17.04.2023.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 754 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. 33 of 2018 arising out of STF P. S. Case No.18 of 2018 dated 06.10.2018 under Sections 467/468/34 of the Indian Penal Code and Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Bijon Haldar.

.... Petitioner.

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

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for more than four years. It is contended there is slow progress in trial. Co-accused viz., Parag Jyoti Saikia @ Partho is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. Recovery of narcotics was from the petitioner unlike Parag Jyoti Saikia @ Partho.

We have considered the materials on record. Petitioner was present in the truck wherefrom narcotics was recovered. Invoice with regard to the contraband was written in the hand of co-accused viz., Parag Jyoti Saikia @ Partho who is presently on bail. There are prima facie materials against both the accused persons with regard to offence of the transportation of narcotics. Bail of co-accused viz., Parag Jyoti Saikia @ Partho

was allowed not on merits but on the ground of delay in trial. Similar circumstances also justify the bail prayer of the petitioner .

In view of the aforesaid, we are inclined to grant bail to the petitioner under the same terms and conditions.

Accordingly, the petitioner viz., Bijon Haldar shall be released on bail upon furnishing a bond of Rs.50,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Bench-I, NDPS Act, 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 and on further condition that the petitioner, while on bail, shall remain within the Municipal limits of Kolkata except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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.)

