

26.04.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (NDPS) 873 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.04.2023 in connection with Hastings Police Station Case No.87 of 2019 dated 26.08.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.35 of 2019)

And

In Re: ***Jon Johnson***

... .. Petitioner

Mr. Kaushik Kundu
Ms. Mithu Das

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years and seven months. It is further submitted there is slow progress in trial. Co-accused viz. Sankar Jana has been enlarged on bail. Accordingly, he renews his prayer for bail.

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

We have considered the materials on record. On the ground of delay in trial, co-accused viz. Sankar Jana has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Jon Johnson***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten 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.

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.)