

01.05.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 897 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2023 in connection with Raninagar Police Station Case No.436 of 2019 dated 30.08.2019 under Sections 326/307/34 of the Indian Penal Code, Sections 25/27 of the Arms Act and Section 21(c) of the NDPS Act. (NDPS Case No.168 of 2019)

And

In Re: **Bapon Sk. @ Bapy Sk.**

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Jisan Iqbal Hossain
Ms. Dhanasree Biswas
Ms. Poulami Bose
Ms. Chandrima Debnath

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and four months. It is further submitted no charge under the provisions of the NDPS Act has been framed against him. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time. His bail prayer was rejected earlier.

We have considered the materials on record. No charge under the provisions of the NDPS Act has been framed against the petitioner. Though the petitioner absconded for a protracted period of time, progress in trial since rejection of bail by this court in May, 2022 is not appreciable. There is little possibility of the trial concluding in the near future. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the

accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Bapon Sk. @ Bapy Sk.**, 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, Berhampore, Murshidabad 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 Jalangi Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Jalangi 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.)