

17.05.2023
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 958 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.05.2023 in connection with Special Case No.15 of 2018 arising out of NCB Crime No.15/NCB/KOL/2018 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Kyamera Bibi***

... .. Petitioner

Mr. Sujan Chatterjee

... .. for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

... .. for the NCB

It is submitted on behalf of the petitioner that she is in custody for more than five years. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, she prays for bail.

Learned Advocate for the NCB opposes the prayer for bail.

We have considered the materials on record. Co-accused have been enlarged on bail on the ground of inordinate delay in trial. Petitioner stands on the same footing with the said co-accused. Hence, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Kyamera Bibi***, 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, 3rd Special Court, under the NDPS Act, Purba Bardhaman 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 she fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)