

19.05.2023

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Allowed

C.R.M. (NDPS) No. 1034 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Swarupnagar Police Station Case No. 16 of 2020 dated 09.01.2020 under Sections 21(c))/29 of the N.D.P.S. Act.

And

In Re : Ibrahim Sardar petitioner

Mr. Parthapratin Das
Mr. Manojit Chakraborti

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

.....for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioner is in custody for more than three years. There is delay in trial. Co-accused Samrat Biswas has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Accordingly, we are inclined to grant the same relief to the petitioner also.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act-cum-Additional Sessions Judge, 6th Court, Barasat, North-24 Parganas, subject to conditions that 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.

In the event 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)