

05.06.2023

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Allowed

C.R.M. (NDPS) No. 1048 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Manikchak Police Station Case No. 617 of 2022 dated 22.10.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Samirul Sk. @ Samirul Sekh & Anr. petitioners

Mr. Mazhar Hossain Chowdhury

.....for the petitioners

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

Learned Counsel for the petitioners submits co-accused Ranjan Rabidas has been enlarged on bail. They pray for statutory bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Co-accused has been enlarged on bail. Petitioners stand on the same footing with the said co-accused. Accordingly, we are inclined to grant the same relief to the petitioners also.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Malda, subject to conditions that petitioners 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 petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their 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.)