

05.07.2023.
43.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1118 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.127 of 2018 arising out NDPS Case No.127 of 2018 corresponding to NCB Crime No.33 of 2018 under Sections 20(b)(ii)(C)/28/29 of the NDPS Act.

In the matter of : Mithu Roy & Anr.

.... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioners.

Mr. Anirban Mitra.

...for the NCB.

Petitioners are in custody for about five years years. There is inordinate delay in trial. Under similar circumstances, co-accused has been enlarged on bail. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Co-accused has been enlarged on bail. We are inclined to extend the same privilege to the petitioners also.

Accordingly, the petitioners viz. Mithu Roy and Gopal Nayak @ Gopal Naik 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 the NDPS Act, Barasat, North 24-Paraganas subject to condition that they 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 the 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)