

12.07.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 1251 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with Sagarpara Police Station Case No.49 of 2020 dated 25.08.2020 under Sections 186/188/34 of the Indian Penal Code and Sections 21/22/23 of the NDPS Act and Section 11(d) of the Prevention of Cruelty to Animal Act. (NDPS Case No.151 of 2020)

And

In Re: ***Tapan Halder @ Tapan Haldar***

... .. Petitioner

Mr. Soumyajit Das Mahapatra

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Sanjay Bardhan

Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Bail prayer of co-accused was allowed on the ground of inordinate delay in trial. Petitioner is similarly circumstanced with the co-accused. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Tapan Halder @ Tapan Haldar***, 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-cum-Additional District Judge, 5th Court, 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.

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.)