

08.08.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1282 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.07.2023 in connection with Baishnabnagar Police Station Case No. 155 of 2022 dated 18.02.2022 under Section 21(c) of the NDPS Act read with Section 27(a) of the Drugs & Cosmetics Act.

And

In Re: **Raja Sk.**

... .. Petitioner

Mr. Kazi M. Rahaman

... .. for the petitioner

Mr. Sanjay Bardhan

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about one year and six months. It is further submitted there is delay in trial. Co-accused viz. Kinkar Sarkar @ Maju has been enlarged on bail by the Hon'ble Apex Court. Accordingly, he prays for bail on parity.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is in custody for about 1½ years. Bail prayer of co-accused on the ground of delay has been allowed by the Hon'ble Apex Court in Criminal Appeal No.2263 of 2023. On this score, petitioner stands on the same footing with the said co-accused and is entitled to the same relief.

Therefore, the accused/petitioner, namely **Raja Sk.**, 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 3rd Court under the NDPS Act, Malda 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.)