

31.07.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1329 of 2023

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

In the matter of : Rocky Shekh @ Akhil.

.... Petitioner.

Mr. Jisan Hossain,
Ms. Chandrima Debnath,
Mr. Karnel Mondal.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. Co-accused has been enlarged on bail. He prays for bail on parity.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

We have considered the materials on record. Though petitioner is in custody for a protracted period of time, trial has proceeded at a tardy pace. Under such circumstances, co-accused had been enlarged on bail. Petitioner is similarly circumstanced and is entitled to similar relief.

Accordingly, the petitioner viz. Rocky Shekh @ Akhil 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 the NDPS Act, Berhampore, Murshidabad

subject to condition that he 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 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.

This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)