

08.08.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1333 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.07.2023 in connection with Suti Police Station Case No. 305 of 2022 dated 28.05.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.135 of 2022)

And

In Re: ***Subrata Narayan & Ors.***

... .. Petitioners

Mr. Binay Shaw

... .. for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioners that co-accused viz. Subhas Roy @ Subhas Ch. Roy has been enlarged on bail by the Hon'ble Apex Court. Accordingly, they pray for bail on parity.

Report is placed on record.

We have considered the materials on record. Police had apprehended two vehicles in the course of raid. One of the vehicles was carrying narcotics above commercial quantity. Petitioners and one Subhas Roy @ Subhas Ch. Roy were in the other vehicle which was escorting the vehicle carrying narcotics. Subhas Roy @ Subhas Ch. Roy has been enlarged on bail by the Hon'ble Apex Court on the ground that he was not present in the vehicle which was carrying narcotics. Petitioners stand on the same footing with the said Subhas Roy @ Subhas Ch. Roy and are entitled to the same relief.

Therefore, the petitioners, namely ***(1) Subrata Narayan, (2) Susanta Barman, (3) Abijit Roy @ Abhijit Roy & (4) Abhijit Mallick @ Avijit Mallick***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) 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, Berhampore, Murshidabad subject to condition that the said 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 or commit similar offences in future.

In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)