

29.09.2023
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allowed

CRM (NDPS) No. 1563 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Memari Police Station Case No. 416 of 2020 dated 12.09.2020 under Sections 20(b)(ii)(C) of the NDPS Act.

And

In Re : Nurul Islam Sk. @ Islam & Anr. petitioners

Mr. Debapriya Samanta

.....for the petitioners

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for about three years. They pray for bail.

2. Learned Counsel for the State submits bail prayer of the petitioners was rejected by this Court as well as the Hon'ble Apex Court. Ten witnesses have already been examined.

3. We have considered the materials on record. Initially 25.4 kgs. of Ganja was recovered from one Ram Prasad Patra. Thereafter in the course of investigation over 5 kgs. of Ganja was recovered from the petitioner and co-accused. Said Ram Prasad Patra has been enlarged on bail in August, 2023. Petitioners stand on the better footing than the said co-accused. Though ten witnesses have been examined prosecution has cited over twenty witnesses in the charge-sheet. There is little possibility of trial concluding in the near

future. Under such circumstances, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioners 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 3rd Court under NDPS Act, Purba Bardhaman, subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

6. The application for bail is, accordingly, allowed.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)