

22.09.2023.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1573 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.230 of 2020 arising out of Baguiati P. S. Case No.400 of 2020 dated 12.11.2020 under Sections 21(C) of the NDPS Act.

In the matter of : **Hassan Kamal @ Akash & Anr.**

.... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioners.

Mrs. Anasuya Sinha,
Mr. Pinak Kumar Mitra.

...for the State.

1. Petitioner is in custody for about three years. He contends there is discrepancy with regard to the quantity of narcotics seized. On such premise co-accused Md. Faizanuddin @ Faizan has been enlarged on bail by the Hon'ble Apex Court in Spl. Leave to Appeal (Crl.) No.6678 of 2023 dated 09.08.2023. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. She contends trial is in progress.
3. We have considered the materials on record. Noticing discrepancy in the quantity of narcotics seized as per deposition of witnesses, the Hon'ble Apex Court has enlarged co-accused on bail. Petitioner is entitled to the same relief.
4. Accordingly, the petitioners viz., **Hassan Kamal @ Akash** and **Sahil Khan @ Chand** 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 Court under the NDPS Act, North 24-Paraganas, Barasat subject to condition that they 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.

5. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)