

04.10.2023

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Allowed

C.R.M. (NDPS) No. 1617 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 726 of 2021 dated 07.10.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Jamal Sk. @ Md. Jamal Saikh petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

.....for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. Sandip Chakraborty
Mr. Antarikhya Basu

....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted co-accused has been granted bail by the Hon'ble Apex Court. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner stands on the same footing with co-accused who has been enlarged on bail by the Hon'ble Apex Court. Under such circumstances we are inclined to grant bail to the petitioner on parity.

4. Accordingly, we direct that the petitioner 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 NDPS Act, Murshidabad at Berhampore, subject to conditions that petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)