

13.10.2023

11
sdas
Allowed

C.R.M. (NDPS) No. 1686 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hariharpara Police Station Case No. 203 of 2021 dated 24.05.2021 under Sections 21(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Sajahan Molla @ Sarjahan Molla petitioner

Mr. Anisur Rahman

.....for the petitioner

Mr. Ranadeb Sengupta

....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years and four months. Co-accused has been enlarged on bail. He stands on the same footing with the co-accused. Accordingly, he prays for bail.

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

3. We have considered the materials on record. Petitioner is in custody for more than two years and four months. Co-accused has been enlarged on bail. He stands on the same footing with the co-accused. Accordingly, we are inclined to grant bail to the petitioner.

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, Berhampore, Murshidabad, 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.)