

24.11.2023
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allowed

CRM(NDPS) No. 1874 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol (S) Police Station Case No. 333 of 2019 dated 20.09.2019 under Sections 20(b)(ii)(C)/27/29 of the NDPS Act.

And

In Re : Md. Sabir @ Lorri & Anr. petitioners

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

.....for the petitioners

Mr. Anwar Hossain
Mr. Arif Ekbal Molla

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for more than four years. It is also submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. They pray for bail on this score.

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

3. We have considered the materials on record. There is inordinate delay in trial. On such score, co-accused Hemant Pandey has been enlarged on bail. Petitioners are on the same footing with the co-accused and are entitled to similar relief.

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 Court under NDPS

Act-cum-Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman, subject to conditions that they 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 or commit similar offences in future.

5. In the event the petitioners fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)