

24.11.2023

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Allowed

C.R.M. (NDPS) No. 1880 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 699 of 2021 dated 25.12.2021 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Osman Ali petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

.....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eleven months. Co-accused Md. Humayun Kabir @ Humayun has been enlarged on bail by the Hon'ble Apex Court. 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 stands on the same footing with the co-accused who has been enlarged on bail by the Hon'ble Apex Court. Accordingly, he is entitled to similar relief.

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 witnesses or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the trial court without any 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.)