

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1918 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampur Police Station Case No. 418 of 2020 dated 07.05.2020 under Sections 22(c)/29 of the N.D.P.S. Act.

And

In Re : Diken Sk. petitioner

Mr. Golam Mostafa
Mr. Samirul Sarkar

.....for the petitioner

Mr. Sujan Chatterjee

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than three years. There is delay in trial. Co-accused have been enlarged on bail. 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 three years. There is delay in trial. Co-accused have been enlarged on bail. There is little possibility of trial concluding in the near future. Accordingly, we are inclined to give same relief to the petitioner also.

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 condition 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.)