

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1923 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 875 dated 12.08.2022 under Sections 21(c)/29/27A of the N.D.P.S. Act.

And

In Re : Md. Jiyaul Sk. @ Sekh petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Arnab Saha

Mr. A. Banerjee

.....for the petitioner

Mr. Debashish Roy, learned PP

Mr. Navanil De

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for eleven months. It is also contended co-accused, Devendra Ahuja @ Chintu and Md. Azizur Rahaman 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 stands more or less on the same footing with the co-accused who have been released on bail. Hence, we are inclined to grant bail to the petitioner on the same terms and conditions.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.1,00,000/- with five sureties of 20,000/- each, two of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS

Act, 4th Court, Malda, subject to conditions that petitioner shall reside within the district of Malda and provide address where he shall presently reside to the investigating agency as well as Court below. He shall also report to the officer-in-charge, Kaliachak Police Station once in a week until further orders. He 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.)