

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1931 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 581 of 2022 dated 01.05.2022 under Sections 22(c)/29 of the N.D.P.S. Act.

And

In Re : Shanti Khan & Anr. petitioners

Mr. Tapodip Gupta
Mr. Suman Bhanja

.....for the petitioners

Mr. Koushik Kundu

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for one year and seven months. Co-accused has been released on bail by the Hon'ble Apex Court. They pray for bail on parity.

2. Learned Counsel for the State produces the case diary.

3. We have considered the materials on record. Co-accused standing on the same footing with the petitioners has been enlarged on bail by the Hon'ble Apex Court. Petitioners shall be released on bail on same terms and conditions.

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 District Judge, 5th Court, Berhampore, Murshidabad, subject to condition that petitioners

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 or commit similar offences in future.

5. In the event petitioners fail to appear before the trial court without any 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.)