

19.12.2023.

Item No. 40

ap
(Allowed)

C.R.M. (NDPS) 1984 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Berhampore Police Station Case No. 472 of 2021 dated 14.05.2021 under Sections 22(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Mortuja Sk @ Murttuja Sk @ Murttuja Sekh.
...Petitioner

Mr. Anisur Rahman. ...For the petitioner

Mr. Iqbal Kabir.For the State

1. The petitioner is in custody for two years, seven months and five days. There is inordinate delay in trial. Co-accused has been granted bail. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the prayer for bail and contends that the trial is in progress.

3. We have considered the materials on record. The petitioner stands on the same footing with Rahul Sk. who has been enlarged on bail by the Apex Court.

4. We accordingly extend the same relief to the petitioner.

5. Therefore, the petitioner, namely, Mortuja Sk @ Murttuja Sk @ Murttuja Sekh, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 the condition that the said 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 or commit similar offences in future.

6. In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)