

19.12.2023.

Item No. 53

ap
(Allowed)

C.R.M. (NDPS) 1998 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.12.2023 in connection with Barasat Police Station Case No. 402 of 2023 dated 26.05.2023 under Sections 20(b)(ii)(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Habibur Rahaman. ...Petitioner

Mr. Angshuman Chakraborty,
Mr. S.S. Saha. ...For the petitioner

Mr. Sandip Chakraborty.For the State

1. Learned counsel for the petitioner submits that his client is in custody for seven months. Co-accused has been enlarged on bail. They pray for bail on similar ground.

2. Learned Advocate for the State opposes the prayer for bail.

3. We have considered the materials on record. Co-accused have been enlarged on bail by this Court. Petitioner stands on the same footing with the co-accused and he is entitled to similar relief.

4. Therefore, the petitioner, namely, Habibur Rahaman, 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 Chief Judicial Magistrate, Barasat subject to the condition that the said petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall appear before the trial court on every date of hearing until further orders and shall not, directly or

indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to any police office or the court and/or intimidate witnesses or tamper with evidence in any manner whatsoever.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)