

03.01.2023
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 1546 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Duttapukur Police Station Case No. 614 of 2020 dated 23.08.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Sajahan Mondal & Anr.***

... .. Petitioners

Mr. Ashok Kumar Chowdhury
Ms. Oindrila Chowdhury

... .. for the petitioners

Mr. Madhusudan Sur .. Id. Addl. Public Prosecutor
Mr. Manoranjan Mahata

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about two years and four months. It is further submitted co-accused viz. Lal Mohammad Dhukre @ Lal Mohammad Dukre @ Laltu has been enlarged on bail by the Apex Court.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioners and co-accused were involved in dealing with narcotic substance above commercial quantity.

We have considered the materials on record. Bail was granted to co-accused viz. Lal Mohammad Dhukre @ Lal Mohammad Dukre @ Laltu taking into consideration the protracted period of detention suffered by him. Petitioners are similarly circumstanced with the said co-accused. There is little possibility of the trial concluding in near future. Under such circumstances, we are inclined to grant bail to the petitioners on such score.

Therefore, the accuseds/petitioners, namely **(1) Sajahan Mondal & (2) Abir Hossain**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of

like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District & Sessions Judge, 6th Court, Barasat, North 24-Parganas subject to condition that the said 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.

In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)