

**In The High Court At Calcutta
Circuit Bench At Jalpaiguri**

03.03.2023
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allowed

CRM (NDPS) No. 246 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhaktinagar Police Station Case No. 244 of 2019 dated 27.03.2019 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : Rahaman Ali @ Abdul Rahaman petitioner

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

.....for the petitioner

Mr. Abhijit Srkar
Mr. Tapan Bhattacharjee

..... for the State

Learned Counsel for the petitioner submits he is in custody for three years and eleven months. Co-accuseds standing on the same footing have been enlarged on bail. He prays for bail on parity.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Though there was recovery of narcotics above commercial quantity from the petitioner and co-accuseds, it appears the co-accuseds have been enlarged on bail by a co-ordinate Bench of this Court. That apart, there is inordinate delay in trial and no prosecution witness has

been examined till date. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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, Jalpaiguri, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)