

24.01.2024

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Allowed

C.R.M. (NDPS) No. 151 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 196 of 2022 dated 19.02.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Royes Mirja & Ors. petitioners

Mr. Mazhar Hossain Chowdhury

.....for the petitioners

Mr. Koushik Kundu

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for more than one year and eleven months. It is also submitted there is delay in trial. Co-accused has been enlarged on bail by the Hon'ble Apex Court in Criminal Appeal No. 12 of 2024 arising out of SLP (Crl.) No. 14827 of 2023. Accordingly, they pray for bail.

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

3. We have considered the materials on record. Petitioners are in custody for a considerable period of time. Under similar circumstances co-accused has been enlarged on bail by the Hon'ble Apex Court on the ground of delay in trial. Petitioners are entitled to similar treatment. Accordingly, we are inclined to grant bail to the petitioners.

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-learned Additional Sessions Judge, 3rd Court, Malda, subject to conditions 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.

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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)