

07.02.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 245 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2024 in connection with Domkal Police Station Case No.285 of 2022 dated 08.05.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.116 of 2022)

And

In Re: ***Mirajul Sk.***

... .. Petitioner

Mr. Jisan Iqubal Hossain

... .. for the petitioner

Ms. Eshita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and eight months. Co-accused viz. Raihan Molla has been enlarged on bail by the Hon'ble Apex Court. Accordingly, he prays for bail on parity.
2. Learned Advocate for the State opposes the prayer for bail and submits date has been fixed for recording evidence.
3. We have considered the materials on record. Petitioner is in custody for more than a year. Under such circumstances, co-accused viz. Raihan Molla has been enlarged on bail by the Hon'ble Apex Court. Petitioner stands on the same footing with the said co-accused. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Mirajul Sk.***, be released on bail upon furnishing 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 the NDPS Act, Berhampore, Murshidabad subject to 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.

5. In the event he 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.)