

09.02.2024
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allowed

CRM(NDPS) No. 277 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 136 of 2021 dated 04.06.2021 under Sections 184/188 of the Indian Penal Code and under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Balai Dariya & Ors. petitioners

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

.....for the petitioners

Mr. Pravash Bhattacharjee
Ms. Ratna Ghosh

..... for the State

1. Learned Counsel for the petitioners submits they are in custody for two years and eight months. It is also submitted there is delay in trial. They pray for bail.

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

3. We have considered the materials on record. Petitioners have prayed for bail on the ground of delay in trial. They have suffered incarceration for two years and eight months. On the score of delay co-accused have been enlarged on bail. Petitioners are also entitled to similar treatment.

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-Additional District & Sessions Judge, 2nd Court, at Berhampore, Murshidabad, on condition that they 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.

5. In the event the petitioners fail to appear before the trial court without 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)