

13.02.2024
Sl. No.20
akd
[ALLOWED]

C. R. M. (NDPS) 291 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2024 in connection with Airport Police Station Case No.326 of 2021 dated 02.09.2021 under Sections 20(b)(ii)(c)/28/29 of the NDPS Act.

And

In Re: ***Alam Miah & Anr.***

... .. Petitioners

Mr. Tirthankar Basu
Ms. Saba Parween

... .. for the petitioners

Mr. Prasun Kr. Dutta .. Id. Addl. Public Prosecutor
Mr. Arabinda Manna

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and five months. It is further submitted there is inordinate delay in trial. On such score, co-accused have been enlarged on bail. Accordingly, they pray for bail on parity.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioners are in custody for more than two years. Under such circumstances, co-accused have been enlarged on bail. Petitioners stand on the same footing with the said co-accused. In view of the aforesaid fact and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Alam Miah & (2) Pradum Kumar Singh***, 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, Barrackpore, 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)