

09.02.2024
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allowed

CRM (NDPS) No. 275 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 196 of 2020 dated 12.08.2020 under Sections 20(b)(ii)(c) of the NDPS Act.

And
In Re : Manoj Yadav petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Biswajit Tiwari
Mr. Sumit Routh
....for the petitioner

Mr. S. S. Imam
Ms. Purnima Ghosh
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than three years and six months. There is little possibility of trial concluding in the near future. Co-accused are on bail. He prays for bail on the ground of delay in trial.

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

3. We have considered the materials on record. Petitioner is in custody for more than three years and six months. On the ground of delay in trial, co-accused have been enlarged on bail. Petitioner is entitled to same treatment.

4. 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-

cum-Additional Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman, subject to conditions that 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.

5. 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 in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)