

22.02.2024

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Allowed

C.R.M. (NDPS) No. 343 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 73 of 2021 dated 01.09.2021 under Sections 20(b)(ii)(c)/28/29 of the N.D.P.S. Act.

And
In Re : Md. Islam petitioner

Mr. Tapodip Gupta
Sk. Toslim Ali
Mr. Suman Bhanja
.....for the petitioner

Mr. Arun Kumar Maity (Mohanty)
Mr. Somnath Adhikary
.....for the NCB

1. Heard the learned Counsel for the parties.
2. Learned Counsel for the NCB submits report. Let the report be placed on record.
3. We have perused the materials on record including report. Petitioner is in custody for two years and five months. Co-accused has been released on bail on the ground of delay in trial. Petitioner is entitled to similar relief.
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, Howrah, on further condition that petitioner while on bail shall remain within the district of Hooghly except for

attending court proceeding and shall provide address where he shall presently reside to the investigating officer and learned court below and he shall report to the Officer-in-Charge, Rishra Police Station once in a week until further orders. 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 petitioner fails to appear before the trial court without any 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.)