

22.02.2024

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Allowed

C.R.M. (NDPS) No. 345 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 184 of 2022 dated 10.04.2022 under Sections 20(b)(ii)(c)/21(c)/29 of the N.D.P.S. Act.

And

In Re : Nijamaddin Sk. petitioner

Mr. Anisur Rahman

.....for the petitioner

Mr. Pinak Kumar Mitra

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and ten months. It is also submitted co-accused has been granted bail by the Hon'ble Apex Court. He prays for bail on parity.

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

3. We have considered the materials on record. Petitioner and co-accused stand on the same footing. Said co-accused has been enlarged on bail by the Hon'ble Apex Court. Accordingly, we are inclined to grant bail to the petitioner on parity.

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-learned Additional District & Sessions Judge, 5th Court, Berhampore, Murshidabad, subject to condition that 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.)