

22.02.2024

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Allowed

C.R.M. (NDPS) No. 344 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 18 of 2022 dated 12.01.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Kabirul Sarkar petitioner

Mr. Anisur Rahman

.....for the petitioner

Mr. Sekhar Barman

.....for the State

1. Heard the learned Counsel for the parties.

2. We have considered the materials on record.

Petitioner is in custody for more than two years. Co-accused has been granted bail by the Hon'ble Apex Court. Petitioner stands on the same footing with the said co-accused. Accordingly, we are inclined to grant bail to the petitioner.

3. 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.

4. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)