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CRM(NDPS) No. 499 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 NDPS Act.

In Re : Sariful Biswas And
..... petitioner

Mr. Anisur Rahman
....for the petitioner

Ms. Debjani Sahu
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and two months. Co-accused have been granted bail by the Hon'ble Apex Court as well as this Court. Petitioner prays for bail on parity.

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

3. We have considered the materials on record. Petitioner is in detention for a considerable period of time. Co-accused, similarly circumstanced with the petitioner, has been enlarged on bail by the Hon'ble Apex Court as well as this Court. Under such circumstances we are inclined to extend similar privilege to the petitioner.

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 District & Sessions Judge, 5th Court, at Berhampore, Murshidabad, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)