

14.03.2024
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allowed

CRM(NDPS) No. 494 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No. 225 of 2022 dated 15.09.2022 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Mohidul Sk. @ Mahidul Sk. petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja
....for the petitioner

Mr. Ashok Das
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and six months. Co-accused have been granted bail by the Hon'ble Apex Court. Petitioner prays for similar relief.

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

3. We have considered the materials on record. Co-accused, similarly circumstanced with the petitioner, has been enlarged on bail by the Hon'ble Apex Court. Under such circumstances we are inclined to extend the 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 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.)