

14.03.2024
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allowed

CRM(NDPS) No. 501 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raghunathganj Police Station Case No. 213 of 2022 dated 12.04.2022 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Tinku Sk. petitioner

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

Mr. Mainak Gupta
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eleven months. Co-accused has been granted bail by the Hon'ble Apex Court. Petitioner prays for bail on parity.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner has criminal antecedents.

3. We have considered the materials on record. Petitioner is in detention for a considerable period of time. Co-accused, Nasiruddin, similarly circumstanced with the petitioner, has been enlarged on bail by the Hon'ble Apex Court. Prior criminal cases registered against the petitioner do not relate to dealing in narcotics. Under such circumstances we are inclined to grant bail 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, 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.)