

28.03.2024
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allowed

CRM(NDPS) No. 554 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No. 189 of 2019 dated 20.05.2019 under Section 20(b)(ii)(c) of the NDPS Act.

And
In Re : Md. Ishtiaque petitioner

Ms. Trisha Rakshit
....for the petitioner

Ms. Amita Gaur
Mr. Karan Bapuli
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for four years and ten months. It is also submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

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

3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. There is slow progress in trial and co-accused Mithun Biswas has been enlarged on bail. Petitioner stands on the same footing with the co-accused and is entitled to similar relief.

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 and Sessions Judge, 3rd Court, Asansol, 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.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)