

C. R. M. (NDPS) 650 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2024 in connection with Khargram Police Station Case No.30 of 2022 dated 11.01.2022 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Barjahan Sekh @ Mastar**

... .. Petitioner

Mr. Rajendra Banerjee
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Ms. Nandini Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and three months. It is further submitted there is inordinate delay in trial. Co-accused viz. Munsur Sk. @ Mansur Sk. @ Munsur Sekh has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. On the score of delay in trial, co-accused viz. Munsur Sk. @ Mansur Sk. @ Munsur Sekh has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Hence, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely **Barjahan Sekh @ Mastar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge,

Special Court under the NDPS Act-cum-Additional District & Sessions Judge, 2nd Court, Berhampore, Murshidabad subject to condition that the said 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.

5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)