

30.04.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 738 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.04.2024 in connection with Lalgola Police Station Case No.48 of 2022 dated 10.02.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.48 of 2022)

And

In Re: ***Selim Sk. @ Selim @ Jahangir Selim***
... .. Petitioner

Mr. Debanshu Ghorai
Mr. Anisur Rahman
... .. for the petitioner

Mr. Kunal Ganguly
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than two years. It is further submitted there is slow progress in trial. Co-accused viz. Md. Taslim Sk. has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of the petitioner was turned down by the Hon'ble Apex Court in February, 2024.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Narcotics i.e. 850 gms. of *Heroin* in all was recovered from the joint possession of the petitioner and co-accused. Thereafter co-accused viz. Md. Taslim Sk. has been enlarged on bail. State has not assailed the said order granting bail to co-accused. Under such circumstances, we are of the opinion petitioner has made out a case for grant of bail on parity. Hence, we are inclined to extend the same privilege to the petitioner also.

4. Therefore, the accused/petitioner, namely **Selim Sk. @ Selim @ Jahangir Selim**, 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.)