

01.05.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (NDPS) 739 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.04.2024 in connection with Jamuria Police Station Case No.197 of 2020 dated 19.07.2020 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.04 of 2020)

And

In Re: **Ganesh Majhi**

... .. Petitioner

Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Sujoy Sarkar

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years and nine months. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. On the score of delay in trial, co-accused have 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 **Ganesh Majhi**, 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, 3rd Court, Asansol 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.)