

09.05.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 788 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.04.2024 in connection with STF Kolkata Police Station Case No.40 of 2019 dated 07.11.2019 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.44 of 2019)

And

In Re: ***Ali Akbar Molla @ Mosaraf @ Meeher Ali***

... .. Petitioner

Sk. Toslim Ali

... .. for the petitioner

Mr. Arnab Chatterjee
Ms. Suchismita Dutta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four years and five 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 ***Ali Akbar Molla @ Mosaraf @ Meeher Ali***, 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 Chief Metropolitan Magistrate, Calcutta 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)