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13-06-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 806 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **229 of 2022** dated **25.02.2022** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Santosh Karmakar

.... Petitioner.

Mr. Sagar Saha,

... For the Petitioner.

Mr. Arindam Sen,
Mr. D. Dutta,

... For the State.

The petitioner is one of the two accused persons, from whose joint possession, commercial quantity of contraband items was seized.

The co-accused person has been granted bail by a Coordinate Bench by an order dated April 18, 2024, passed in CRM (NDPS) 628 of 2024 on the basis of the inordinate delay in the progress of the trial.

The petitioner says that he is similarly circumstanced and is in custody for two years and three months. He claims parity.

Learned Advocate for the State in his usual fairness says that this petitioner stands on the same footing as the other accused person who has been enlarged on bail. Therefore, this application is allowed.

Accordingly, we direct that the petitioner, namely, **Santosh Karmakar**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must

be local, to the satisfaction of the Learned Special Judge under the NDPS Act-cum-Additional District Judge, 4th Court, Malda and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The 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.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)