

19.06.2024
Sl. No.29
akd
[ALLOWED]

C. R. M. (NDPS) 838 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.05.2024 in connection with Raghunathganj Police Station Case No.549 of 2022 dated 01.07.2022 under Sections 21(c)/29 of the NDPS Act and Sections 182/465/468/471/475/120B of the Indian Penal Code. (NDPS Case No.162 of 2022)

And

In Re: ***Dulal Sk. & Anr.***

... .. Petitioners

Mr. Sagar Saha
Mr. Nurnobi Seikh

... .. for the petitioners

Mr. Shekhar Barman

... .. for the State

The petitioners say that they have been falsely implicated. They say that a co-accused person has been enlarged on bail by a coordinate Bench by order dated April 18, 2024 passed in CRM (NDPS) 652 of 2024. They stand on the same footing with that person being Abdul Aziz. The petitioners claim parity.

We have gone through the relevant records of the case.

Learned Advocate for the State in his usual fairness says that these petitioners are similarly circumstanced as the aforesaid Abdul Aziz.

In view of the aforesaid, the petitioners are entitled to claim parity and we are inclined to allow the petitioners' prayer for bail.

Accordingly, we direct that the petitioners, namely ***(1) Dulal Sk. & (2) S. Mohon Rao***, shall be released on bail upon furnishing a bond of Rs.25,000/- each, 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 Judge, 5th Court, Berhampore, Murshidabad subject to condition that the present

petitioners shall appear before the learned trial court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973. The petitioners shall remain within the jurisdiction of the trial court till conclusion of trial unless such conditions have been relaxed by the learned trial court.

The petitioners 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 and/or commit any cognizable offence in any manner whatsoever.

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

The application for bail being CRM (NDPS) 838 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent Photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)