

04
11-06-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 841 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Durgapur Police Station** Case No. **577 of 2021** dated **14.12.2021** under Sections **20(b)(ii)** of the NDPS Act.

- A n d -

In the matter of : Sk. Nabin

.... Petitioner.

Mr. Asraf Mondal,

... For the Petitioner.

Mr. Binoy Kr. Panda,
Ms. A. Sinha,

... For the State.

The petitioner is one of the accused persons in this case initiated under the provisions of the NDPS Act. He says that he has been in custody for two years and six months. There is no substantial progress in the trial. He cites an order dated January 18, 2024, passed by a Coordinate Bench in CRM (NDPS) 96 of 2024, whereby a co-accused was granted bail. He says that he stands on the same footing as that person and accordingly claims parity.

Learned Advocate for the State says that this petitioner's name appears in the seizure list. However, the co-accused who was granted bail is also mentioned in the seizure list and it is correct that that person and this petitioner stand on the same footing.

We find that the Coordinate Bench granted bail to the co-accused person primarily on the ground of inordinate delay in progress of the trial. We, therefore, allow this application for bail on the following terms and conditions.

Accordingly, we direct that the petitioner, namely, **Sk. Nabin**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under NDPS Act-cum-Learned Additional District and Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman, subject to condition that petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses 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.**)