

12.06.2024
Item no. 57.
Court No.28.
AB
(Allowed)

CRM (NDPS) 853 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kulpi Police Station Case No.304 of 2021 Dated 1.10.2021 under Sections 20(b)(ii)(c)/21C/29 of the NDPS Act

And

In the matter of : Nur Hossain Molla @ Bablu

.....Petitioner.

Md. Mosiar Rahaman,
Mr. Haridas Dasfor the Petitioner.

Mr. Kunal Gangulyfor the State.

The petitioner says that he is in custody for 2 years, 8 months and 14 days. Charge was framed in May, 2022. Till date, only 3 out of 12 witnesses have been examined. A co accused person has been granted bail by a Coordinate Bench by an order dated April 23, 2024, passed in CRM (NDPS) 685 of 2024. That order was primarily on the basis of a case having been made out by the petitioner therein for breach of his fundamental right to speedy trial. The present petitioner says that he stands on the same footing. He prays for parity.

Learned Advocate for the State fairly admits that this petitioner stands on the same footing as the petitioner in CRM (NDPS) 685 of 2024.

In view of the aforesaid, the present petitioner is entitled to claim parity and this application is, therefore, allowed.

Accordingly, we direct that the petitioner, namely Nur Hossain Molla @ Bablu 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 Judge, Special Court under the NDPS Act at Alipore, South 24 Parganas, 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

