

12.06.2024
Item no.63.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 865 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 17.05.2024 in connection with Jalangi Police Station Case No. 335 of 2022 dated 27.10.2022 under Section 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Tousehik Iqbal @ Rubel @ Tousehik Ikbal.

.....Petitioner.

Md. Sarwar Jahan,
Mr. Anisur Rahaman,for the Petitioner.

Mr. Arnab Chatterjee,
Mr. Subhajit Chowdhury,
.....for the State.

The petitioner is one of the two accused persons. Commercial quantity of contraband items was recovered from the joint possession of the accused persons.

The co-accused person approached the Hon'ble Supreme Court and by an order dated May 10, 2024, the Hon'ble Apex Court has been pleased to grant bail to that person on terms and conditions to the satisfaction of the Trial Court. This was solely on the ground that there has been no substantial progress in the trial and the accused person has been in custody for an appreciable period of time.

The petitioner says that he stands in the same footing as the co-accused.

Learned advocate for the State, in his usual fairness, does not dispute that submission.

In view of the aforesaid, the petitioner is entitled to claim parity.

This application for bail is allowed.

Accordingly, we direct that the petitioner, namely **Toushik Iqbal @ Rubel @ Toushik Ikbal** 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 N.D.P.S. Act at Berhampore, Murshidabad and on further conditions that he shall remain within the jurisdiction of the concerned police station and he 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.

CRM (NDPS) No. 865 of 2024 is disposed of.

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.)