

19.06.2024
Sl. No.34
akd
[ALLOWED]

C. R. M. (NDPS) 938 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.06.2024 in connection with Dalkhola Police Station Case No.12 of 2022 dated 08.01.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.01 of 2022)

And

In Re: ***Mithun Kumar Basak & Anr.***

... .. Petitioners

Mr. Pronojit Roy

... .. for the petitioners

Mr. Rana Mukherjee

Mr. Soumya Basu Roy Chowdhuri

... .. for the State

The petitioners say that allegedly commercial quantity of contraband was seized from the joint possession of the petitioners and three other accused persons. Those persons have been granted bail by coordinate Benches of this court on July 18, 2023, April 18, 2024 and April 23, 2024. Our attention is drawn to such orders. They say that they stand on the same footing. They claim parity.

Learned Advocate for the State in his usual fairness admits that the petitioners stand on the same footing as the other three accused persons who have been enlarged on bail.

Accordingly, we direct that the petitioners, namely ***(1) Mithun Kumar Basak & (2) Ranjeet Kumar Biswas @ Ranjit Biswas***, 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, Raiganj, Uttar Dinajpur 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) 938 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.)