

20.
25-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 964 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No.762 of 2020 dated 03-10-2020 under Sections 21(C)/29 of the NDPS Act.

- A n d -

In the matter of : Rajib Akthar @ Rajib Aktar @ Rajib Akhtar
.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kum Bhowmich

... For the Petitioner.

Mr. Iqbal Kabir,
Ms. Jonaki Saha

... For the State.

The petitioner is in custody for 3 years 8 months. He claims parity by referring to an order dated June 11, 2024 passed by this Bench in CRM (NDPS) 874 of 2024. By that order, a co-accused was enlarged on bail on the ground of delay in trial. This petitioner stands exactly on the same footing.

Learned advocate for the State says that two out of ten witnesses have been examined.

Therefore, there is no possibility of an early conclusion of the trial. We are inclined to enlarge the petitioner on bail only on the ground of delay in progress of the trial.

Accordingly, we direct that the petitioner, namely, **Rajib Akthar @ Rajib Aktar @ Rajib Akhtar**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge,

Special Court under NDPS Act, Malda. 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 in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 964 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)