

11.07.2024
Item no. 28.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1073 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No.1556 of 2021 Dated 10.11.2021 under Sections 21C/27A/29 of the NDPS Act

And

In the matter of : Md. Masidur Sk. & Others

.....Petitioners.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmickfor the Petitioners.

Mr. Subrata Roy,
Ms. Puspita Sahafor the State.

The petitioners claim parity. He refers to an order dated June 25, 2024, passed by this Bench in CRM (NDPS) 993 of 2024, whereby a co-accused person was enlarged on bail solely on the ground of delay in progress of the trial.

We find that the petitioners are similarly circumstanced as the other person, who was enlarged on bail. Learned Advocate for the State also, in his usual fairness, does not dispute the same. Recovery was from the joint possession of these petitioners and that other person.

On the ground of parity and on the ground of delay in trial, we allow the petitioners' prayer for bail.

Accordingly, we direct that the petitioners, namely **Md. Masidur Sk., Sajjad Hoque @ Sonai and Raju Harijan @ Dhiraj** 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 at Malda, and on further conditions that they 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 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 justifiable cause, the 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 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

