

19.08.2024
Item no. 28.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1165 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No.138 of 2022 Dated 10.02.2022 under Sections 21(C) of the NDPS Act and Section 27A of the Drugs and Cosmetics Act 1940

And

In the matter of : Tahirul Sk. & Others Petitioners.

Md. Wasim Akram for the Petitioners.

Mr. Prasun Kr. Dutta, ld. APP
Ms. Madhumita Basak for the State.

Dictated by Arijit Banerjee, J.

1. We are told that the petitioner no.3, namely, Safik Sk. passed away on August 12, 2024. Let the same be put on record.
2. The petitioners say that a co-accused person has been granted bail by the Hon'ble Supreme Court on July 8, 2024. They stand on the same footing. They pray for bail on the ground of parity.
3. While opposing the prayer, learned Advocate for the State says that it was not mentioned before the Hon'ble Supreme Court by the person, who approached the Hon'ble Supreme Court that trial has already started and out of 13 witnesses, 6 persons have already been examined. The trial is likely to conclude on an early date.

4. From the material on record, we find that these petitioners stand on similar footing as the co-accused, who was granted bail by the Hon'ble Supreme Court. These petitioners have been in custody for about two and half years.
5. Therefore, on the ground of parity and delay in progress of the trial, we allow the prayer for bail of the petitioner nos.1, 2, 4 and 5.
6. Accordingly, we direct that the petitioner nos.1, 2, 4 and 5, namely **Tahirul Sk., Masiur Sk., Fulchand Mandal and Praja Mandal** 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 District of Malda and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. The petitioner nos.1, 2, 4 and 5 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.
8. In the event the petitioner nos.1, 2, 4 and 5 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.

9. The application for bail is, accordingly, allowed.
10. 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.)