

CRM (NDPS) 1218 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Malda Police Station** Case No. **159 of 2021** dated **31.03.2021** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Dhananjoy Halder & Anr.

.... Petitioner.

Mr. Mazahar Hossain Chowdhury,

... For the Petitioner.

Md. Anwar Hossain,

M.F. A. Beg,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners are in custody for more than three years and four months. They say that witness action has not yet begun. There are 12 charge sheet named witnesses. On the ground of delay in progress of trial, the petitioners pray for bail.
2. Learned Advocate for the State says that there are sufficient incriminating materials against the petitioners. All efforts will be made to expedite the trial.
3. We find that by an order dated July 11, 2024, a co-accused person was enlarged on bail by this Court in CRM (NDPS) 1093 of 2024. We also find that these petitioners stand on the same footing as the other co accused person referred to above.
4. Hence, on the ground of parity as also on the ground of inordinate delay in the progress of trial, we allow this application for bail.
5. Accordingly, we direct that the petitioners, namely, **Dhananjoy Halder and Md. Azahar Ali @ Ajahar Ali**, 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 Special Judge under the NDPS Act, 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 in any manner whatsoever.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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.)