

04.09.2024
Item no. 65.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1358 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Goalpokhor Police Station Case No.225 of 2022 Dated 24.06.2022 under Section 21C/29 of the NDPS Act

And

In the matter of : Kanhaiya Yadav Petitioner.

Sk. Toslim Alifor the Petitioner.

Mr. Prasun Kr. Dutta
Mr. Sohom De Dharafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail on the ground of parity citing an order dated August 12, 2024, passed by a Coordinate Bench in CRM (NDPS) 1267 of 2024, whereby, a co-accused person, namely, Amit Mitra was enlarged on bail primarily on the ground of delay in trial. The petitioner says that he stands on the same footing and is in custody for about two years and one month.
2. Learned State Counsel, while opposing the prayer for bail, in his usual fairness, does not dispute that this petitioner and the aforesaid Amit Mitra are similarly circumstanced.
3. Hence, on the ground of parity, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely **Kanhaiya Yadav** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 Raiganj, Uttar Dinajpur, and on further conditions that he 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.
5. 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 and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)

