

26.09.2024
Item no. 27.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1391 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 Malda Police Station Case No.159 of 2021 Dated 31.03.2021 under Sections 21(c)/29 of the NDPS Act

And

In the matter of : Abhiram Mandal

.....Petitioner.

Mr. Arup Kr. Bhowmickfor the Petitioner.

Mr. Iqbal Kabir,
Ms. Payel Ghoshfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner claims parity citing an order dated August 19, 2024, passed by this Bench in CRM (NDPS) 1218 of 2024 whereby two co-accused persons were granted bail solely on the ground of inordinate delay in progress of the trial.
2. The petitioner says that he stands on the same footing as those two persons insofar as the issue of delay is concerned. He is in custody for three years and five months.
3. Learned Advocate for the State opposes the prayer for bail and says that there is sufficient incriminating material against the petitioner.

4. We find that the petitioner and the two co-accused persons, who were enlarged on bail on August 19, 2024, are similarly circumstanced insofar as the issue of delay is concerned.
5. Hence, on the ground of parity, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Abhiram Mandal** 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 Malda, 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.
7. 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.
8. 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.

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.)