

09
07-10-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 1480 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Nabagram Police Station Case No. 284 of 2022** dated **02.08.2022** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Rakib Sk.

.... Petitioner.

Mr. Kishan Iqubal Hossain,

.... For the petitioner.

Mr. Bibaswan Bhattacharyya,
Mr. Bikram Mitra,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated August 30, 2024, whereby a co-accused person, namely, Robiul Dewan, was granted bail solely on the ground of delay in progress of trial. The petitioner says that he is in custody for two years one month and stands on the same footing as Robiul Dewan.

2. Learned State Advocate, while opposing the bail prayer, in his usual fairness does not dispute that the petitioner is similarly circumstanced as the aforesaid Robiul Dewan in so far as the delay in progress of trial is concerned.

3. Hence, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Rakib Sk.**, 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 Chief Judicial Magistrate, Berhampore, Murshidabad subject to condition that he

shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall remain within the jurisdiction of the local Police Station and shall report to the Officer-in-Charge of the said Police Station once in a week, until further orders.

5. 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.

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

7. 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.)