

04.01.2024

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Allowed

C.R.M. (NDPS) No. 2088 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sagardighi Police Station Case No. 100 of 2022 dated 27.03.2022 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Golam Mostofa @ Mustafa petitioner

Ms. Chandrima Debnath

.....for the petitioner

Mr. Debasish Roy, learned PP

Ms. Sreyashee Biswa

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for one year and eight months. Co-accused has been enlarged on bail. He renews his bail prayer.

2. Learned Counsel for the State opposes the prayer for bail and submits delay is due to abscondence of the co-accused.

3. We have considered the materials on record. Though bail prayer of the petitioner was turned down in August, 2023, co-accused has been enlarged on bail in December, 2023 on the ground of delay in trial. In view of such development we are of the opinion petitioner is entitled to similar relief.

4. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under

NDPS Act, Berhampore, Murshidabad, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)