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Allowed

C.R.M. (NDPS) No. 2081 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No. 546 of 2023 dated 07.04.2023 under Sections 21(c)/25/27A/29 of the N.D.P.S. Act.

And

In Re : Md. Maruf Sk. petitioner

Mr. Jayanta Narayan Chatterjee

Md. Wasim Akram

.....for the petitioner

Mr. Iqbal Kabir

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for 271 days. Co-accused has been enlarged on bail. Accordingly, he prays for bail on parity.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Co-accused have been enlarged on bail by a co-ordinate Bench of this Court. Under such circumstances, we are of the opinion there is no aggravating circumstance justifying detention of the petitioner. Accordingly, we are inclined to grant bail to the petitioner.

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, Malda, 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.)