

16.09.2022
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1048 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2022 in connection with Baguiati Police Station Case No.04 of 2019 dated 01.01.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Md. Kazi Apu @ Kaji Apu & Anr.***

... .. Petitioners

Mr. Angshuman Chakraborty
Mr. S. S. Saha

... .. for the petitioners

Mr. Sanjay Bardhan
Ms. Baiskahi Chatterjee

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than three years. Co-accuseds have been granted bail by the Apex Court as well as this court.

Learned advocate appearing for the State produces the case diary.

We have considered the materials on record. Co-accused viz. Ezazul Islam was enlarged on bail by the Apex Court in Special Leave to Appeal (Crl.) No.8502 of 2021. Another co-accused viz. Md. Enamul has been enlarged on bail by this court in CRM (NDPS) 1023 of 2022. Petitioners stand on the same footing with the aforesaid co-accuseds. Under such circumstances, we are inclined to grant bail to the petitioners.

Therefore, the accused/petitioners, namely ***(1) Md. Kazi Apu @ Kaji Apu & (2) Md. Liton***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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, 1985-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas subject to condition that the said petitioners 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 or commit similar offences in future.

In the event they fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)