

12.09.2022
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1023 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.09.2022 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. Enamul***

... .. Petitioner

Mr. Soujanya Bandyopadhyay

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted co-accused viz. Ezazul Islam, similarly circumstanced with the petitioner has been enlarged on bail by the Apex Court in Special Leave to Appeal (Crl.) No.8502 of 2021.

Learned advocate appearing for the State produces the case diary.

We have considered the materials on record. There is inordinate delay in the trial of the case. Petitioner has suffered undertrial detention for more than three years. He is similarly circumstanced with the co-accused viz. Ezazul Islam who has been enlarged on bail by the Apex Court. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Md. Enamul***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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 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 or commit similar offences in future.

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

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)