

25.11.2022

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Allowed

C.R.M. (NDPS) No. 1388 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baguihati Police Station Case No. 04 of 2019 dated 01.01.2019 under Sections 21(c) / 29 of the N.D.P.S. Act.

And

In Re : Aqeel Hossain petitioner

Mr. Angshuman Chakraborty

Mr. Shashanka Shekhar Saha

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Palash Chandra Majhi

.....for the State

Learned Counsel appearing for the petitioner submits that he is in custody for three years and nine months. Co-accuseds have been granted bail by the Hon'ble Apex Court as well as this Court.

Learned Counsel appearing for the State opposes the prayer for bail and produces case diary.

We have considered the materials on record. There is inordinate delay in the trial of the case. Similar circumstanced co-accuseds have been enlarged on bail by the Hon'ble Apex Court as well as this Court. Under such circumstances, we are of the opinion that petitioner may be enlarged on bail.

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, Barasat, North 24-Parganas, subject to conditions that he 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.

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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)