

14.03.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 383 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.03.2023 in connection with Swarupnagar Police Station Case No.787 of 2019 dated 26.09.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Rintu Mallick***

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and six months. It is further submitted there is inordinate delay in trial. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though the petitioner is in custody for more than three years, there is no appreciable progress in trial. Co-accuseds have been enlarged on bail. Petitioner stands on the same footing with the said co-accuseds. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Rintu Mallick***, 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-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.)