

31.03.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 602 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with NCB Crime No. 04/NCB/KOL/2018 dated 14.01.2018 under Sections 20(b)(ii)(B)/22(C)/29 of the NDPS Act. (NDPS Case No.05 of 2018)

And

In Re: ***Rafikul Islam Chowdhury***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Dipankar Dandapath
Mr. Subrata Santra

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about five years and two months. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail on parity.

Learned Advocate for the NCB opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Petitioner is in custody for more than five years. Though case involves recovery of a large quantity of *methamphetamine* tablets and *Ganja*, co-accused similarly circumstanced with the petitioner has been enlarged on bail on the ground of inordinate delay in trial. Petitioner stands on the same footing with that of co-accused who has been enlarged on bail and may be extended the same privilege.

Therefore, the accused/petitioner, namely ***Rafikul Islam Chowdhury***, 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, 4th Court, Malda 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.)