

11.04.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 701 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2023 in connection with Kaliachak Police Station Case No.723 of 2017 dated 12.10.2017 under Sections 15(c)/29 of the NDPS Act. (NDPS Case No.108 of 2017)

And

In Re: ***Sariful Islam***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Soumya Nag

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than five years. It is further submitted there is inordinate delay in trial. Accordingly, petitioner renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. It is alleged petitioner was transporting 55 kgs. of *poppy straw*. Though he is in custody for more than five years, only one witness has been examined till date. Prosecution proposes to examine 13 witnesses. There is no possibility of the trial concluding in near future. Under such circumstances, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely ***Sariful Islam***, 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 District Judge, 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of Malda and shall report to the Officer-in-charge, Kaliachak Police Station once in a week until further orders.

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.)