

13.04.2023
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allowed

CRM (NDPS) No. 738 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mothabari Police Station Case No. 286 of 2019 dated 20.07.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Md. Ismat Momin petitioner

Ms. Sreyashee Biswas
Ms. Benajir Hasna
Mr. Aliul Islam

.....for the petitioner

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

..... for the State

Learned Counsel for the petitioner submits he is in custody for three years and nine months. It is also submitted there is inordinate delay in trial. Co-accused are on bail. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Co-accused Rajikul Sk. who is similarly circumstanced with the petitioner has been released on bail on the ground of delay in trial. Petitioner is entitled to similar relief.

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-cum-Additional District & Sessions Judge, 4th Court at Malda, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)