

24.04.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 849 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.13 of 2019 arising out of Kaliachak P. S. Case No.517 of 2019 dated 17.08.2019 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Nurul Islam @ Md. Nurul Islam.

.... Petitioner.

Mr. Minoti Gomes,
Mr. Mounick Ghosh.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for three years. He submits co-accused viz., Abdul Haque @ Md. Abdul Haque Biswas has been enlarged on bail. There is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. In spite of direction given by the Apex Court in Special Leave to Appeal (Crl) No.7293 of 2021 vide order dated 30.09.2021 to conclude trial within six months, there is no appreciable progress in the matter.

Under such circumstances, co-accused viz., Abdul Haque @ Md. Abdul Haque Biswas was enlarged on bail. Petitioner stands on the same footing with the said accused and he is entitled to similar relief.

Accordingly, the petitioner viz., Nurul Islam @ Md. Nurul Islam 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 the NDPS Act-cum-Additional District Judge, 4th Court, Malda subject to condition 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 the petitioner 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)