

11.07.2023.
33.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1248 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.11 of 2021 arising out of English Bazar P. S. Case No.73 of 2021 dated 15.01.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Nesarul Islam.

.... Petitioner.

Mr. Avinaba Patra,
Mr. Dipayan Dutta,
Ms. Pramita Banerjee.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Ms. Sonali Das.

...for the State.

Petitioner is in custody for two and half years. He submits co-accused has been enlarged on bail. He prays for bail.

Learned Advocate for the State submits due to pandemic condition, chemical report could not be collected.

We have considered the materials on record. Relying on *S. Kasi Vs. State through Inspector of Police, Samaynallur Police Station, Madurai District*¹, bail prayer of co-accused has been allowed.

Under such circumstances, we are of the opinion petitioner is entitled to similar treatment.

Accordingly, the petitioner viz., Nesarul 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,

¹ 2020 SCC Online SC 529

to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional Sessions 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.)