

01.08.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1337 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.15 of 2017 arising out of Kaliyagang P.S. Case No.292 of 2015 dated 19.09.2015 under Sections 27/27(b) of the NDPS Act read with Sections 21 of the NDPS Act.

In the matter of : Md. Muslain @ Md. Muslim @ Moslem Ali
@ Maslam Ali.

.... Petitioner.

Mr. Pranajit Roy.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arani Bhattacharyya,
Mr. Arijit Ganguli.

...for the State.

Petitioner is in custody for more than two years. He submits no narcotics was recovered from his possession. There is hardly any progress in the matter since rejection of bail by this Court in 2020. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits two out of six witnesses have already been examined.

We have considered the materials on record. Though there is some progress in the matter, we note no narcotics was recovered from the petitioner. His complicity has transpired from the statement of a co-accused before a police officer which is inadmissible in evidence.

Keeping in mind the extent of complicity of the petitioner in the crime and the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, 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 the NDPS Act, Raiganj, Uttar Uttar Dinajpur 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)