

09.08.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1372 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.08.2023 in connection with Liluah Police Station Case No.65 of 2019 dated 15.03.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Abu Siddique Sk.***

... .. Petitioner

Mr. Jisan Iqubal Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail on the ground of delay. Accordingly, he renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner has suffered detention for more than four years. Only one witness has been examined till date. Delay in the matter cannot be attributed to the petitioner. There is little possibility of the trial concluding in the near future. Co-accused have been enlarged on bail on the ground of delay in trial. On this score, petitioner stands on the same footing with the said co-accused and is entitled to the same relief.

Therefore, the accused/petitioner, namely ***Abu Siddique Sk.***, 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, Howrah 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.

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.)