

17.08.2023
14
sdas
allowed

CRM(NDPS) No. 1404 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda Police Station Case No. 359 of 2020 dated 29.06.2020 under Sections 21(C)/29 of the NDPS Act and Sections 18(b)/27 of the Drugs and Cosmetics Act.

And

In Re : Asirul Sk. @ Hasirul Sk. petitioner

Mr. Sagar Saha

....for the petitioner

Mr. Sanjoy Bardhan

Ms. Baishakhi Chatterjee

.... for the State

1.Learned Counsel for the petitioner submits he is in custody for more than three years. There is delay in trial. Co-accused, Jagnu Mahanta and Krishna Haldar have been enlarged on bail. He prays for bail.

2.Learned Counsel for the State opposes the prayer for bail and submits a large volume of Phensedyl Syrup was recovered on the leading statement of the petitioner. Bail prayer had been rejected earlier on merits.

3.We have considered the materials on record. Though bail prayer of the petitioner was rejected earlier on merits, co-accused have been enlarged on bail in CRM (NDPS) 1314 of 2023 on the ground of delay in trial. Petitioner stands on similar footing and is entitled to same relief.

4.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, 3rd Court, Malda, subject to the conditions that 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.

5. 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 in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)