

29.08.2023
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 1425 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.08.2023 in connection with Kaliachak Police Station Case No.494 of 2020 dated 28.06.2020 under Sections 18(b)/29 of the NDPS Act.

And

In Re: ***Imtiyaz Ansari @ Imteaj***

... .. Petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

1. Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.
2. Report is placed on record.
3. Supplementary affidavit filed on behalf of the petitioner is placed on record.
4. From the affidavit it appears no witnesses have turned up since rejection of bail by this court.
5. It is submitted on behalf of the petitioner that he is in custody for more than three years. Co-accused similarly circumstanced with him has been enlarged on bail. Accordingly, he renews his prayer for bail.
6. Learned Advocate for the State opposes the prayer for bail.
7. We have considered the materials on record. Co-accused similarly circumstanced with the petitioner has been enlarged on bail. Under such circumstances, we are inclined to enlarge the petitioner on bail on the ground of delay.

8. Therefore, the accused/petitioner, namely ***Imtiyaz Ansari @ Imteaj***, 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-cum-Additional District Judge, 4th Court, Malda 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.
9. 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.
10. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)