

28.08.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1446 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Spl. Case No.08 of 2022 arising out of Kaliachak P. S. Case No.36 of 2022 dated 10.01.2022 under Sections 21(C)/27A/29 of the NDPS Act.

In the matter of : Bakkar Mia.

.... Petitioner.

Kazi Mokhlasur Rahman.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for one year and seven months. Co-accused Md. Nasim Sk. has been granted bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner stands on the same footing with co-accused Md. Nasim Sk. . He has suffered incarceration for one year and seven months.
4. Hence, we are inclined to extend the same privilege to the petitioner also.
5. Accordingly, the petitioner viz., Bakkar Mia 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, 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)