

29.08.2023
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1453 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.08.2023 in connection with Kaliachak Police Station Case No.36 of 2022 dated 10.01.2022 under Sections 21(c)/27A/29 of the NDPS Act.

And

In Re: **Selim Mia**

... .. Petitioner

Ms. Minoti Gomes
Mr. Mounick Ghosh

... .. for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over one year and seven months. Co-accused viz. Nasim Sekh has been enlarged on bail by the Hon'ble Apex Court. Another co-accused viz. Bakkar Mia has been enlarged on bail by this court. Investigation is complete. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits recovery was made from the house of the petitioner.
3. We have considered the materials on record. Petitioner is in custody for over 1½ years. Co-accused viz. Nasim Sekh and Bakkar Mia have been enlarged on bail. Investigation is complete. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Selim Mia**, 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 3rd Court,

under the NDPS Act, 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)