

01.09.2023
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 1458 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: ***Nayeem Ansari @ Naim***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about three years and two months. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail on parity.
2. Learned Advocate for the State produces the case diary.
3. We have considered the materials on record. Petitioner has suffered incarceration for a protracted period of time. There is delay in trial. On such score, co-accused has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely ***Nayeem Ansari @ Naim***, 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.

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.)