

26.09.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (NDPS) 1590 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with English Bazar Police Station Case No.1174 of 2020 dated 06.12.2020 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.92 of 2020)

And

In Re: ***Asadul Sk. & Anr.***

... .. Petitioners

Mr. Abhimanyu Banerjee

... .. for the petitioners

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about two years and nine months. Co-accused viz. Tajel Mia has been enlarged on bail. Accordingly, they renew their prayer for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Co-accused viz. Tajel Mia similarly circumstanced with the petitioners has been enlarged on bail on the ground of delay in trial. Under such circumstances, we are inclined to extend the same privilege to the petitioners also.
4. Therefore, the petitioners, namely **(1) Asadul Sk. & (2) Anwar Ali**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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-Session Judge, 4th Court, Malda subject to condition that the said petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)