

30.11.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (NDPS) 1848 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.11.2023 in connection with Goalpokher Police Station Case No.271 of 2021 dated 09.08.2021 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.59 of 2021)

And

In Re: ***Babar @ Mosebul***

... .. Petitioner

Mr. Mojibur Ali Laskar
Md. Habibur Rahman

... .. for the petitioner

Md. Anwar Hossain
Mrs. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and three months. It is further submitted most of the prosecution witnesses have turned hostile. There is little possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.
3. We have considered the materials on record. We have also gone through the evidence led till date. Three police personnel who were members of the raiding party did not support the prosecution case. Petitioner is in custody for more than two years. There is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act. In view of the aforesaid fact, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Babar @ Mosebul***, 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, Raiganj, Uttar Dinajpur 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.)