

30.11.2023
Sl. No.27
akd
[ALLOWED]

C. R. M. (NDPS) 1896 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2023 in connection with Kaliachak Police Station Case No.1076 of 2021 dated 04.10.2021 under Sections 18(b)/21(b)/22(b)/29 of the NDPS Act.

And

In Re: **Selim Sk. @ Pampa**

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Ms. Faria Hossain

Ms. Baisali Basu

... .. for the State

1. It is submitted on behalf of the petitioner that he was on bail. Due to miscommunication he failed to appear before the trial court on a single day. Thereafter he was rearrested and is in custody for 90 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Due to miscommunication petitioner was unable to appear before the trial court. Presently he is in custody for 90 days and 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 and he may be enlarged on bail however, subject to strict conditions.
4. Therefore, the accused/petitioner, namely **Selim Sk. @ Pampa**, 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, 3rd 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 and on further condition that the petitioner, while on bail, shall meet the Officer-in-charge, Kaliachak Police Station once in a week until further orders.

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.)