

30.11.2023
Sl. No.26
akd
[ALLOWED]

C. R. M. (NDPS) 1895 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.11.2023 in connection with Kaliachak Police Station Case No.577 of 2021 dated 04.06.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Kutubuddin Sk.***

... .. Petitioner

Mr. Sagar Saha

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and six months. Co-accused viz. Taslim has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Co-accused viz. Taslim has been enlarged on bail on the ground of inordinate delay in trial. 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 ***Kutubuddin Sk.***, 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.)