

01.12.2023

15
sdas
Allowed

C.R.M. (NDPS) No. 1908 of 2023

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

And

In Re : Md. Sarafat Ali & Anr. petitioners

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

.....for the petitioners

Mr. Koushik Kundu

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for two years and five months. There is inordinate delay. Co-accused has been enlarged on bail. They pray for similar relief.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. There is inordinate delay in trial. On that score co-accused, Taslim has been enlarged on bail. Petitioners stand on the same footing with the co-accused and they are entitled to similar relief.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Malda, subject to condition that 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.

5. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)