

18.12.2023

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Allowed

C.R.M. (NDPS) No. 1932 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. Nasir Hossain petitioner

Mr. Kalidas Saha

.....for the petitioner

Mr. Ranadeb Sengupta

.....for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Petitioner is in custody for more than 2½ years. There is inordinate delay in trial. On such score co-accused has been enlarged on bail. Accordingly, petitioner is entitled to bail on same terms and conditions.

3. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 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.

4. In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at

liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)