

19.12.2023.

Item No. 42

ap
(Allowed)

C.R.M. (NDPS) 1986 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2023 in connection with Kaliachak Police Station Case No. 577 of 2021 dated 04.06.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Md. Yusuf Ali. ...Petitioner

Md. Wasim Akram. ...For the petitioner

Mr. Iqbal Kabir.For the State

1. The petitioner is in custody for two years and six months. He prays for bail on the ground of delay. He contends that co-accused have been enlarged on bail on the ground of delay.

2. Learned Advocate for the State opposes the prayer for bail and contends that his bail prayer was rejected on 5th April, 2023.

3. We have considered the materials on record. Though the bail of the petitioner was rejected on merits on 5th April, 2023, co-accused have been enlarged on bail on the score of delay in trial. Since the petitioner is also in custody for more than two years and six months, he is entitled to similar relief. Accordingly, bail prayer of the petitioner is allowed.

4. Therefore, the petitioner, namely, Md. Yusuf Ali, be released on bail upon furnishing a 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 NDPS Act, Malda

subject to the 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, the petitioner 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.)