

20.12.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 2006 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 Lalgola Police Station Case No.387 of 2021 dated 03.06.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.101 of 2021)

And

In Re: **Atabur Sk. @ Babu**

... .. Petitioner

Mr. Tapodip Gupta
Mr. Suman Bhanja

... .. for the petitioner

Mr. Joydeep Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and six months. It is further submitted there is inordinate delay in trial. Co-accused has been granted bail on the ground of delay in trial by the Hon'ble Apex Court. 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 has been granted bail by the Hon'ble Apex Court on the ground of delay in trial. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Atabur Sk. @ Babu**, 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, 2nd Court, Berhampore, Murshidabad 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.)