

21.12.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 2024 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2023 in connection with Kaliachak Police Station Case No.111 of 2021 dated 31.01.2021 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.15 of 2021)

And

In Re: ***Samiul Sk. @ Kallu & Anr.***

... .. Petitioners

Md. Wasim Akram

... .. for the petitioners

Mr. Navanil De

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about three years. It is further submitted there is inordinate delay in trial. On such score, co-accused have been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Due to delay in trial, co-accused have been enlarged on bail. In view of the aforesaid fact and the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.
4. Therefore, the petitioners, namely ***(1) Samiul Sk. @ Kallu & (2) Safikul Islam @ Sofi***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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, 4th Court, Malda subject to condition that the said 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 or commit similar offences in future.

5. In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)