

C. R. M. (NDPS) 61 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2024 in connection with Kaliachak Police Station Case No.918 of 2021 dated 02.09.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Sariul Sk.**

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and four months. It is further submitted there is inordinate delay in trial. Co-accused viz. Karimul Sk. @ Karim has been enlarged on bail on the ground of delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner is in custody for a protracted period of time. There is little possibility of trial concluding in the near future. On the score of delay in trial, co-accused viz. Karimul Sk. @ Karim has been enlarged on bail. 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 **Sariul Sk.**, 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, 3rd Court, Malda 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.)