

19.02.2024
Sl. No.17
akd
[ALLOWED]

C. R. M. (NDPS) 285 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.02.2024 in connection with Jagaddal Police Station Case No.213 of 2021 dated 21.03.2021 under Section 21(c) of the NDPS Act.

And

In Re: **Sk. Moinuddin @ Inchia**

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Pravas Bhattacharya

Mr. Anindya Sundar Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and eleven months. It is further submitted there is inordinate delay in trial. On the score of delay, co-accused viz. Md. Gulab @ Santosh has been enlarged on bail. Accordingly, he prays for bail on parity.
2. Learned Advocate for the State produces the case diary.
3. We have considered the materials on record. Petitioner is in custody for more than two years. On the score of delay, co-accused viz. Md. Gulab @ Santosh has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. 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 **Sk. Moinuddin @ Inchia**, 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, Barrackpore, North 24-Parganas 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.)