

29.02.2024.

11.

Ct.No.28.

as

(Allowed)

**C.R.M. (NDPS) 366 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with SPL NDPS Case No.62 of 2021 arising out of Dalkhola P.S. Case No.157 of 2021 dated 12.08.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Nadim Sarwar.**

.... Petitioner.

Mr. Pronojit Roy.

...for the Petitioner.

Mr. Sandip Chakraborty.

...for the State.

1. Petitioner is in custody for over 900 days. He submits there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. On the score of delay in trial, co-accused has been granted bail. Petitioner is entitled to similar relief.
4. Accordingly, the petitioner viz., **Nadim Sarwar** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the N.D.P.S. Act-cum-Additional Sessions Judge, 1<sup>st</sup> Court, Raiganj, Uttar Dinajpur, subject to condition that he 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 petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. This application for bail is, thus, disposed of.

**(Gaurang Kanth,J.)**

**(Joymalya Bagchi, J.)**