

01.03.2024.
Sr. No. 37
Ct. No.28.
AB
(Allowed)

C.R.M. (NDPS) 414 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P. S. Case No.38 of 2021 dated 9.1.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Tauhid Sk. @ Touhid @ Tohid Sk.**

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick

...for the Petitioner.

Ms. Debjani Sahu

...for the State.

1. Petitioner is in custody for more than three years. He submits there is slow progress in trial. He prays for bail.
2. Learned lawyer for the State opposes the prayer for bail.
3. We have considered the materials on record. Though allegation involves recovery over two kilograms of heroin, petitioner is in custody for a considerable period of time. 7 out of 13 witnesses have been examined and there is little possibility of trial concluding in near future.
4. Hence, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Tauhid Sk. @ Touhid @ Tohid Sk.** 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, Malda, 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.

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

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)