

04.04.2024.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 601 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.24 of 2022 arising out of Baishnabnagar P.S. Case No.123 of 2022 dated 04.02.2022 under Sections 22(C)/29 of the NDPS Act.

In the matter of : **Md. Sabir Ali.**

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Bitasok Banerjee,
Mr. Soham De Dhara.

...for the State.

1. Petitioner is in custody for more than two years. He submits co-accused has been granted bail on the ground of 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. Petitioner is in custody for a protracted period of time. Co-accused has been granted bail on the ground of delay in trial.
4. Hence, petitioner is entitled to similar relief.
5. Accordingly, the petitioner viz., **Md. Sabir Ali** 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 Additional Sessions Judge-cum-Judge, Special Court, 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.)