

01.05.2024
Sl. No.25
akd
[ALLOWED]

C. R. M. (NDPS) 746 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.04.2024 in connection with Kaliachak Police Station Case No.542 of 2020 dated 10.07.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Babor Ali & Anr.***

... .. Petitioners

Md. Wasim Akram
Ms. Reshmi Khatun

... .. for the petitioners

Mrs. Shaila Afrin
Ms. Pinky Sarkar

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about three years and ten months. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. On the score of delay in trial, co-accused has been enlarged on bail. Petitioners stand on the same footing with the said co-accused. Hence, we are inclined to extend the same privilege to the petitioners also.
4. Therefore, the petitioners, namely **(1) Babor Ali & (2) Obaidul Sk.**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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 petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)