

23.
Court
No.28

08.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1042 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with Special as well as **NDPS Case No. 38 of 2019** arising out of **NCB Crime No. 23/NCB/KOL/2019** under Sections **8(c)/20(c)/27A/28/29** of the NDPS Act.

And

In the matter of: - **Intiyas Khan @ Intiyaj Khan**

Mr. Md. Wasim Akram, Adv.

...petitioner.

...for the petitioner.

Mr. Arun Kumar Maity, Adv.,
Mr. Sagar Saha, Adv.

...for NCB.

The petitioner prays for bail solely on the ground of delay in progress of the trial. He says that he is in custody for about four years, six months and twenty five days.

Learned Advocate for NCB opposes the prayer for bail.

Learned Advocate for the petitioner draws our attention to an order of Hon’ble Supreme Court dated May 15, 2024, whereby the Hon’ble Supreme Court enlarged a co-accused person on bail on the ground of delay in progress of trial. We find that this petitioner stands on the same footing as that co-accused person.

Hence, we are inclined to enlarge the petitioner on bail solely on the ground of delay in progress of trial.

Accordingly, we direct that the petitioner, namely, **Intiyas Khan @ Intiyaj Khan**, shall be released on bail upon furnishing

a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Malda, subject to condition that –

- 1) The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 2) The petitioner shall not leave the territorial limits of district of Malda, till conclusion of trial unless such conditions have been relaxed by the Trial Court.
- 3) The petitioner shall furnish the present address where he will be residing to the Officer-in-charge of the jurisdictional Police Station immediately after being released on bail and shall also appear before the Officer-in-Charge of the jurisdictional Police station, where he will be residing, once in every week until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1042 of 2024 is accordingly allowed and disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)