

13.9.2024
Ct. No. 6
SL No. 31
SB

C.R.M. (NDPS) 1187 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the B.N.S.S. Act 2023 in connection with **English Bazar** P.S. Case No. 1612 of 2022 dated 23.10.2022 under Sections 25 / 21(c)/27(A)/29 of the N.D.P.S. Act.

And

In the matter of: Taramuddin @ Taramuddin Ahammed @ Mithu

Mr. Tapadip Gupta
Mr. Suman Bhanja ... for the petitioner

Mr. Shekhar Barman
...for the State

1. Heard the learned advocates for the parties.
1. Petitioner is in custody for more than seven months. He submits that no narcotics was recovered from his possession. After rejection of his bail prayer, trial has proceeded at a slow pace. He renews his bail prayer.
2. Learned counsel for the State submits two witnesses have been examined.
3. We have considered the materials on record. No narcotics was recovered from the petitioner. However, C.D.Rs shows telephonic conversation between him and co-accused. His bail prayer was rejected on April 2024. Only two witnesses have been examined till date. Prosecution proposes to examine eleven witnesses in all. There is no possibility of trial concluding in near future.
4. On such score, we are inclined to grant bail to the petitioner. Bail prayer of the petitioner is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
5. Accordingly, the petitioner 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 ^{3rd} Court, Additional District Judge, 4th Court, Malda subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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 without any further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)