

11. 07.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (NDPS) 1216 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973/ Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Baishnabnagar** Police Station Case No. **185/2023**, dated **23.3.2023** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Faijuddin Sk @ Faijul Sk**

...petitioner.

Mr. Md. Wasim Akram

...for the petitioner.

Mr. S.S. Imam

Mr. Mujibar Ali Naskar

...for the State.

1. Report filed by the State is kept on record.
2. Learned lawyer for the petitioner submits petitioner is in custody for over one year and four months. He contends co-accused has been enlarged on bail by the Hon'ble Apex Court. He prays for bail.
3. Learned lawyer for the State opposes the bail prayer. He contends petitioner has criminal antecedent and is implicated in another case.
4. We have considered the materials on record. We have also considered the criminal antecedent of the petitioner which does not relate to a case involving narcotics.
5. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as co-accused has been enlarged on bail by the Hon'ble Apex Court we are inclined to enlarge the petitioner on bail.

6. Accordingly, we direct the petitioner, namely, **Faijuddin Sk @ Faijul 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 4th Court under NDPS Act, Malda subject to 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.
7. 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.
8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)