

12.8.2024
Ct. No. 6
SL No. 27
SB

C.R.M. (NDPS) 1236 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S. Act, in connection with **Baishnabagar** P.S. Case No. 1057 of **2022** dated 20.12.2022 under Sections 21(C) /25/ 29 of the N.D.P.S. Act

And

In the matter of: Mohosin Sk.

Mr. Arup Kumar Bhowmick ... for the petitioner

Mr. Shekhar Barman ... for the State

1. Petitioner is in custody for one year and eight months. There is delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the prayer for bail.
3. We have considered the materials on record. It is alleged 347 bottles of phensedyl syrup containing codeine phosphate above commercial quantity was recovered from a rickshaw van driven by the petitioner. However, he is in custody for one year and eight months and only 2 out of 17 witnesses have been examined. There is little possibility of trial concluding in near future. Bail prayer on the ground of delay is not fettered by restrictions under Section 37 of the N.D.P.S. Act.
4. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be released on bail. Bail prayer of the petitioner is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
5. Under such circumstances, we direct the petitioner shall be released on interim bail of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District Judge, 4th Court, Special 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 for a period of four weeks.

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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)