

08.8.2024
Ct. No. 6
SL No. 19
SB

C.R.M. (NDPS) 1246 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No. 351 of **2022** dated 07.4.2022 under Sections 21(c) / 29/ 8C of the N.D.P.S. Act and charge sheet submitted under Section 21(c) of the NDPS Act.

And

In the matter of: Firdous @ Fiddus Mia

Mr. Tapodip Gupta ... for the petitioner

Ms. Subhasree Patel

Ms. Paramita Sahufor the State

1. Petitioner is in custody for two years and four months. There is delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Only three out of eighteen witnesses have been examined. Petitioner is in custody for a considerable period of time.
4. Under such circumstances, we are of the opinion petitioner has made out a case for bail on the ground of inordinate delay. Bail prayer is not fettered by the restrictions under Section 37 of the N.D.P.S. Act, we are inclined to grant bail to the petitioner.
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 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.)