

10.9.2024
Ct. No. 6
SL No. 29
SB

C.R.M. (NDPS) 1399 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure 1973 / 483 of B.N.S.S. Act, 2023 in connection with **Kaliachak** P.S. Case No. 647 of **2020** dated 27.8.2020 under Sections 21(c) / 27A / 29 of the N.D.P.S. Act,

And

In the matter of: Mustakim Sk. @ Mostakim Sk. @ Md. Mostakim Sk.

Mr. Mrityunjoy Chatterjee

Mr. Akash Sarkar

... for the petitioner

Ms. Subhasree Patel

Md. Ejaj Akhter

....for the State

1. Petitioner is in custody for 103 days. He contends there is no possibility of trial concluding in near future. Principal accused is on bail.
2. Learned counsel appearing for the State submits petitioner had absconded for three years.
3. We have considered the materials on record. Principal accused is on bail. Complicity of the petitioner is on the ground that his motor-cycle had been used by the principal accused to transport narcotics. It is to be decided during trial whether petitioner had requisite knowledge with regard to such transportation or not. There is little possibility to trial concluding in near future.
4. Under such circumstances, in view of the extend of complicity of the petitioner in crime, 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, 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. While on bail petitioner shall remain within Kaliachak Police Station.

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.)