

11.9.2024
Ct. No. 6
SL No. 40
SB

C.R.M. (NDPS) 1408 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. 1160/2022 dated 21.7.2022 under Sections 21(c) / 29 of the N.D.P.S. Act and charge sheet submitted under Sections 21(c) / 29.

And

In the matter of: Aliul Biswas

Mr. Tapodip Gupta

Mr. Suman Bhanja

... for the petitioner

Mr. Bibaswan Bhattacharyya

Ms. Aritra Bhattacharyya

....for the State

1. Heard the learned advocates for the parties.
2. Petitioner is in custody for more two years. He submits there is delay in trial.
3. Learned counsel appearing for the State submits trial is not in progress.
4. We have considered the materials on record. It is alleged that 830 grams of brown sugar i.e. heroin was recovered from the joint possession of the petitioner and the co-accused. Petitioner is in custody for more than two years. Only four out of nine witnesses have been examined. There is no possibility to conclude the trial in near future.
5. Under such circumstances, we are of the opinion bail prayer of the petitioner is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
1. 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.

2. 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.
3. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)