

11.9.2024
Ct. No. 6
SL No. 41
SB

C.R.M. (NDPS) 1420 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. 1286 / 2021 dated 23.9.2021 under Sections 489B / 489C of the Indian Penal Code and Sections 21 (C) / 29 of N.D.P.S. Act.

And

In the matter of: Nizam Sk. @Nijam and Ors.

Mr. Arup Kumar Bhowmick ... for the petitioners

Mr. Anand Kesari

Mr. Sharequl Haquefor the State

1. Heard the learned advocates for the parties.
2. Petitioners are in custody for more than three years. He submits there is inordinate delay in trial.
3. Learned counsel appearing for the State contends that delay was due to abscondence of a co-accused who has subsequently been arrested and tried together with the petitioner.
4. We have considered the materials on record. Petitioners are in custody for more than three years. Examination of witnesses so far as the petitioners are concerned is complete. However, an absconding accused has been arrested and case is reopened for further examination of witnesses.
5. Under such circumstances, continued detention of the petitioners are not necessary for progress of trial and they are entitled to bail on the score of protracted detention.
1. Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners 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 petitioners fail to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel their 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.)