

C.R.M. (NDPS) 1425 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 **Baishnabnagar** P.S. Case No. **1057/2022** dated 20.12.2022 under Sections 21(c) / 25 /29 of the N.D.P.S. Act and charge sheet submitted under Sections 21(c) / 25 /29 of the N.D.P.S. Act.

And

In the matter of: Kausar Ali @ Md. Kausar Ali @ Kawsar Ali

Mr. Tapodip Gupta ... for the petitioner

Ms. Faria Hossain

Mr. Sufi Kamalfor the State

1. Heard the learned advocates for the parties.
2. Petitioner is in custody for more than one year. Co accused has been enlarged on bail on the score of delay in trial. He prays for bail on parity.
3. Learned counsel appearing for the State opposes the prayer for bail.
4. We have considered the materials on record. Petitioner is in custody for more than a year. Only two out of seventeen witnesses have been examined. On this score co-accused have been enlarged on bail.
5. Under such circumstances, we are inclined to grant bail to the petitioner on the ground of delay in trial.
6. 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.

7. 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.
8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)