

05.11.2024
tkm/ct 28
sl no. 51

C.R.M. (NDPS) 1570 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Baishnabnagar PS case no. 463 of 2023 dated 19.7.2022 under sections 21(c)/25/27A/29 of the NDPS Act
And

Allowed In Re : Ikbal Hossainpetitioner

Md. Wasim Akram
..... for the petitioner

Ms. Debasis Soy
Ms. Sudeshna Das
..... for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record. Petitioner is in custody for more than a year. 400 bottles of phensedyl syrup containing codeine phosphate were recovered from his possession. Charge is yet to be framed.
3. Under such circumstances, we are of the opinion petitioner has made out a case for bail on the ground of inordinate delay in trial. Bail prayer on the ground of delay is not circumscribed by the restrictions under section 37 of the NDPS Act.
4. Accordingly, the petitioner 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 under NDPS Act Malda on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application being CRM (NDPS) 1570 of 2024 is disposed of.

(Gaurang Kanth, J.) **(Joymalya Bagchi, J.)**