

18.01.2024
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allowed

CRM(NDPS) No. 1947 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 70 of 2016 dated 16.02.2016 under Section 18 of the NDPS Act.

And

In Re : Jiyaul @ Jiaul Hoque & Anr. petitioners

Mr. Kazi Mokhlasur Rahman
.....for the petitioners

Ms. Sonali Das
..... for the State

1. Learned Counsel for the petitioners submits they are in custody for 102 days. It is also submitted they were unaware of the pendency of the criminal proceedings. They did not abscond. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners are absconding for a protracted period of time.

3. We have considered the materials on record. Investigation is complete. Petitioners claim they were unaware of the proceeding and were always present in the village. Under such circumstances, we are inclined to enlarge the petitioners on bail subject to conditions.

4. Accordingly, we direct that 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 Judge, Special Court under NDPS Act-Additional District Judge, 4th Court, Malda, on further condition they shall meet the Officer-in-Charge of Pukhuria Police Station once in a week until further orders. They shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)