

02.01.2024.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 2064 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.79 of 2020 arising out of Farakka P.S. Case No.76 of 2020 dated 08.03.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Aslam Sk.**

.... Petitioner.

Mr. Jissan Hossain,
Ms. Chandrima Debnath.

...for the Petitioner.

Mrs. Sonali Das.

...for the State.

1. Petitioner is in custody for three years and nine months. He submits there is delay in trial. Co-accused is on bail. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record. Petitioner has languished in jail for three years and nine months. There is little possibility of trial concluding in the near future. Under similar circumstances, co-accused viz., Palash Mondal has been enlarged on bail.
4. Hence, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Aslam Sk** 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 under the NDPS Act, Berhampore, Murshidabad subject to condition that he shall appear before the trial court on every date of

hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)