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C.R.M. (NDPS) No. 2074 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Liluah Police Station Case No. 284 of 2018 dated 30.08.2018 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

Sk. Toslim Ali

Mr. Bidyut Kumar Roy

Mr. Antarikhya Basu

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than five years. There is inordinate delay in trial. Co-accused is on bail. He prays for bail on parity.

2. Learned Counsel for the State opposes the prayer for bail and submits trial is in progress.

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Under similar circumstances co-accused has been granted bail. Accordingly, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that 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 under NDPS Act, Howrah, subject to condition that petitioner 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.

5. 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)