

19.08.2024
Item no. 30.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1173 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar Police Station Case No.1184 of 2019 Dated 26.11.2019 under Sections 8C/22C of the NDPS Act

And

In the matter of : Faijul Sk.

.....Petitioner.

Mr. M. H. Chowdhury

.....for the Petitioner.

Mr. Provas Bhattacharya

Mr. Arup Sarkar

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about five years. He prays for bail on the ground of delay and also on the ground of parity citing an order dated July 3, 2024 whereby a co-accused person was enlarged on bail.
2. Learned Advocate for the State, while opposing the prayer, says that 60,000 pieces of yaba tablet was recovered from the accused persons including the petitioner. He is the kingpin of an international smuggling racket. 15 out of 25 witnesses have already been examined. Some time period may be prescribed for concluding the trial but bail should not be granted.
3. We have considered the rival contentions of the parties. Five years is too long a period of time to keep an under-

trial in incarceration. Purely on the ground of delay in progress of the trial, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely **Faijul Sk.** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 at Malda, and on further conditions that
 - I. The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
 - II. The petitioner shall not leave the geographical limits of district of Malda till conclusion of trial unless such conditions have been relaxed by the Trial Court.
 - III. The petitioner shall furnish his local address to the Officer-in-Charge of the jurisdictional police station and shall also meet the Officer-in-charge of the jurisdiction police station once in a week until further orders.
5. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause,

the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.
7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)