

18.02.2022
Serial no. 24
Dd

CRM(NDPS) 32 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **N-192 of 2020** arising out of **NCB Crime No. 18/NCB/KOL/2020** Sections **8(c)** read with sections **22(c)/23/29** of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Md. Jamshed

...Petitioner

Mr. Angsuman Chakraborty,
Mr. Shashanka Shekhar Saha, Advocates
... ... For the Petitioner

Mr. Y.J Dastoor, Id. ASG
Mr. Amajit De, Advocates
... ...For the UOI

Report as called for by the order dated February 7, 2022 filed in Court be taken on record.

The petitioner is in custody for 1 year and 2 months. Trial is yet to commence. There is hardly any possibility of the trial being commenced and concluded any time soon. The medical report called for by the order dated February 7, 2022 depicts that the petitioner is suffering from cancer at the terminal stage.

Under such circumstances, considering the medical condition of the petitioner and considering the fact that the trial is no longer to commence let alone concluded in time soon, we deem it appropriate to grant bail to the petitioner invoking the provisions under Article 21 of the Constitution of India.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), 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, Barasat, North 24 Parganas subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is **allowed**.

CRM(NDPS) 32 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)