

04.11.2022
Sl. No.2
akd
[ALLOWED]

C. R. M. (NDPS) 1128 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.09.2022 in connection with NDPS Case No.100 of 2021 arising out of NCB Crime No.18/NCB/KOL/2021 dated 01.06.2021 under Sections 25A/28/29 of the NDPS Act.

And

In Re: ***Muklesur Rahman @ Muklesur Rahaman @ Eliash @ Elias***
... .. Petitioner

Mr. Sandipan Ganguly .. Sr. Advocate
Mr. Pradip Kumar Kundu
... .. for the petitioner

Mr. Arun Kumar Mohanty
Ms. Mary Datta
... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about 536 days. It is further submitted no narcotic substance was recovered from his possession.

Pursuant to the direction of this court, a letter addressed to the Zonal Director, Narcotics Control Bureau, Kolkata Zonal Unit stating status of the proceedings and progress in the matter since rejection of bail by this court is placed on record.

Relying on the report, learned advocate appearing for the NCB opposes the prayer for bail.

We have considered the materials on record. We find no narcotic substance was recovered from the possession of the petitioner. *Acetic Anhydride* recovered from his possession is a controlled substance and would not attract the penal provisions under the NDPS Act. There is hardly any progress in the matter since the rejection of bail by this court. Presently, the trial court is lying vacant.

In view of the aforesaid circumstances and as there is little possibility of the trial commencing far less concluding in the near future, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Muklesur Rahman @ Muklesur Rahaman @ Eliash @ Elias***, be released on bail upon furnishing 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 the NDPS Act-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad subject to condition that the said 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall not leave the district of Murshidabad except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)