

C. R. M. (NDPS) 1481 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2022 in connection with Dankuni Police Station Case No.206 of 2019 dated 20.08.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.21 of 2019)

And

In Re: **Sk. Akram @ Raju**

... .. Petitioner

Mr. Sudip Ghosh Chowdhury

... .. for the petitioner

Mr. Sudip Ghosh

Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 3½ years . It is further submitted there is inordinate delay in the trial of the case.

Report with regard to the status of the proceeding is placed on record.

We have considered the materials on record. It appears though a number of schedules were fixed for examination of prosecution witnesses, prosecution failed to produce the witnesses, most of whom are official witnesses. No convincing explanation is offered for such lapse. Petitioner has already undergone incarceration for about 3½ years. Under such circumstances, we are of the opinion accused/petitioner may be enlarged on bail on the score of inordinate delay in progress of trial infracting his fundamental right under Article 21 of the Constitution of India.

Therefore, the accused/petitioner, namely **Sk. Akram @ Raju** 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 Sessions Judge, Hooghly 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 jurisdiction of Nischinda Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

In the event he fails to appear before the trial court without any 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.)