

21.12.2022
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1513 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 in connection with Bizpur Police Station Case No. 706 of 2018 dated 24.12.2018 under Sections 21(c)/29 of the NDPS Act.

And

In Re: **Sk. Najrul Hossen @ Hossain**

... .. Petitioner

Mr. Debasis Kar
Mr. A. Tilak Bhadra

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is slow progress in the trial of the case. Co-accuseds have been enlarged on bail.

Learned advocate appearing for the State opposes the prayer for bail and submits narcotic substance above commercial quantity was recovered from the joint possession of petitioner and co-accuseds. Trial is in progress.

We have considered the materials on record. Narcotic substance above commercial quantity was recovered from the joint possession of petitioner and co-accuseds. Co-accuseds have been enlarged on bail. There is slow progress in the matter and only two witnesses have been examined till date. Under such circumstances and in view of the slow progress in the trial which infracts the fundamental right to speedy trial of the accused, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sk. Najrul Hossen @ Hossain**, 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, Barrackpore, North 24-Parganas 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.

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.)