

08.02.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 218 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.11 of 2020 arising out of STF PS Case No.08 dated 11.02.2020 under Sections 22(C)/29 of the NDPS Act.

In the matter of : Md. Najir Hussain.

.... Petitioner.

Mr. Tapan Datta Gupta,
Mr. Parvej Anam.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Sandip Chakraborty.

...for the State.

Petitioner is in custody for more than three years. He submits he is suffering from ailments. There is inordinate delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits examination of prosecution witnesses have commenced. Date has been fixed for cross-examination of PW1.

We have considered the materials on record. There are materials to show recovery of 13.534 kgs. of amphetamine from the petitioner. However, he is in custody for more than three years. He is suffering from ailments and had to be treated in the Orthopedic OPD of SSKM Hospital. Till date only one witness has been partly examined. There is little possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion in view of inordinate delay in trial and poor health condition of the petitioner, he may be enlarged on bail. Bail prayer on the

ground of delay in trial is not fettered under Section 37 of the NDPS Act.

Accordingly, the petitioner viz., Md. Najir Hussain shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under N.D.P.S. Act, City Sessions Court, Calcutta subject to condition that he 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.

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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)