

23.02.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 270 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.218 of 2019 arising out of Kandi P. S. Case No.517 of 2019 dated 25.11.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Sariful @ Md. Soriful Islam @ Sofi & Ors.
.... Petitioners.

Ms. Sabana Hasin.

...for the Petitioners.

Mr. Saryati Datta.

...for the State.

Petitioners are in custody for three years and three months. There is inordinate delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. In spite of direction given by this Court to conclude trial at an early date in CRR 31 of 2022, there is very slow progress in the matter. Only five out of 12 witnesses have been examined. Petitioners have not contributed to the delay.

Under such circumstances, we are inclined to grant bail to the petitioners on this score.

Accordingly, the petitioners viz., 1) Sariful @ Md. Soriful Islam @ Sofi, 2) Saharia Rokon @ Jony, 3) Sk. Badsha Hitlar, 4) Tosib Jaddari, 5) Ainul Biswas, 6) Sajibur Rahaman and 7) Faruk Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Berhampore, Murshidabad subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)