

22.02.2023
as/tkm/ct 28
sl no. 7

C.R.M. (NDPS) 328 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with STF PS Case no. 8 of 2020 dated 11.2.2020 under sections 22(c)/29 of the NDPS Act
And

Allowed

In Re : Md. Amir Khan petitioner

Ms. M Gomes
Mr. Joy Chakraborty
Mr. S Dinda

..... for the petitioner

Mr. R D Nandy
Ms. Sonali Das

..... for the State

Petitioner is in custody for more than three years. It is contended co-accused is on bail. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits co-accused was enlarged on bail due to illness.

We have considered the materials on record. Petitioner is in custody for more than three years. Only one witness has been partly examined. There is no possibility of trial concluding in near future.

Under such circumstances we are of the opinion petitioner has made out a case of bail on the ground of inordinate delay in trial. Prayer of the petitioner is not fettered under section 37 of the NDPS Act.

Accordingly, the petitioner 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 Bench I, NDPS Act, City Sessions Court, Calcutta on

condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 being CRM (NDPS) 328 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)