

21.03.2023.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 438 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.28 of 2019 arising out of STF P. S. 26 of 2019 dated 02.08.2019 under Sections 22(c)/29 of the NDPS Act read with Section 14(b) of the Foreigners Act.

In the matter of : Md. Ismail Hossain.

.... Petitioner.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Aliul Islam.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for more than three years. He submits co-accuseds are on bail. Charge has not yet been framed. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner is a Bangladeshi national.

We have considered the materials on record. Though petitioner is in custody for more than three years, there is no progress in the matter. Charge has not yet been framed and trial has not commenced. There is no possibility of trial concluding in the near future. Co-accuseds are on bail.

Under such circumstances, though petitioner is a foreigner, we consider it prudent to release the petitioner on bail subject to strict conditions.

Accordingly, the petitioner viz., Md. Ismail Hossain shall be released on bail upon furnishing a bond of Rs.25,000/- 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 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 and on further condition petitioner while on bail shall reside within the Municipal limits of Kolkata and provide the address to the Investigating Officer and court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

Petitioner shall submit his Passport and VISA before the trial court prior to his release.

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.)