

24.03.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 497 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.30 of 2019 arising out of Kolkata STF P. S. Case No.28 of 2019 dated 05.08.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Zakir Hossain.

.... Petitioner.

Mr. Gaganjyot Singh,
Mr. Biswajit Mal,
Mr. Abhishek Bagal,
Mr. Akbar Laskar.

...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-accused viz., Shafiuddin Sk. is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits delay cannot be attributed to the prosecution.

We have considered the materials on record. Co-accused viz., Shafiuddin Sk. has been enlarged on bail. While granting bail to the said co-accused, this Court took into consideration that some part of the delay was due to systemic reasons. But as the accused was in custody for more than three years and prosecution proposes to examine 24 witnesses and there is little possibility of trial concluding in the near future, we granted bail to the co-accused on the score of inordinate delay.

Petitioner stands on the same footing with the co-accused and the same privilege may be extended to him too.

Accordingly, the petitioner viz., Zakir Hossain 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 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.

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.)