

06.04.2023
Sl. No.3
[ALLOWED]

C. R. M. (NDPS) 576 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.03.2023 in connection with Suti Police Station Case No.155 of 2020 dated 20.03.2020 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.89 of 2020)

And

In Re: **Sattar Sk. @ Kungfu Master**

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail and submits seven out of eighteen witnesses have been examined.

We have considered the materials on record. Petitioner is in custody for about three years. Only seven witnesses have been examined. There is inordinate delay in disposal of the case and petitioner is entitled to bail on this score. Accordingly, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely **Sattar Sk. @ Kungfu Master**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the NDPS Act-cum-Additional District Judge, 5th Court, Berhampore, Murshidabad subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)