

04.04.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 634 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.12 of 2020 arising out of STF P. S. Case No.09 of 2020 dated 15.02.2020 under Sections 22(C)/29 of the NDPS Act.

In the matter of : Md. Askar Khan @ Asgar Khan.
.... Petitioner.

Mr. Ramasish Mukherjee,
Mr. D. M. Choudhury,
Mr. S. Mukherjee,
Mr. S. Kundu.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioner is in custody for more than three years. There is inordinate delay in trial. Co-accused have been released on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

We have considered the materials on record. Due to inordinate delay in trial, co-accused have been enlarged on bail. Petitioner stands on the same footing and is entitled to the same relief.

Accordingly, the petitioner viz., Md. Askar Khan @ Asgar Khan 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, Kolkata 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 that the petitioner while on bail shall remain within the Municipal limits of Kolkata and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of STF Police Station once in a week until further orders.

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.)