

06.04.2023
Sl. No.5
[ALLOWED]

C. R. M. (NDPS) 662 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.03.2023 in connection with Uttarpara Police Station Case No.554 of 2019 dated 28.10.2019 under Section 21(b)(ii)(c) of the NDPS Act. (NDPS Case No.37 of 2019)

And

In Re: **Sk. Sahadat**

... .. Petitioner

Mr. Arunava Ganguly

... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Dasgupta

... .. for the State

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

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Only one out of seven witnesses has been examined. Petitioner is not responsible for the delay. Hence, he is entitled to bail on the ground of inordinate delay in trial.

Therefore, the accused/petitioner, namely **Sk. Sahadat**, 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 Sessions Judge, Hooghly 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.)