

13.04.2023
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allowed

CRM(NDPS) No. 667 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F. Police Station Case No. 10 of 2019 dated 15.03.2019 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Adut Sk. @ Tuyel Mistri petitioner

Ms. Minoti Gomes
Mr. Joy Chakraborty
Mr. Sandip Dinda

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Mrs. Sonali Das

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted there is slow progress in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Though petitioner is in custody for a protracted period of time there is very slow progress in the matter. Only three witnesses have been examined. There is little possibility of concluding trial in the near future. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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-1, NDPS Act, City Sessions Court, Calcutta, on further condition that while on bail petitioner shall remain within the district of Murshidabad except for the purposes of investigation and /or attending court proceeding and shall provide the address where he shall presently reside to the investigating officer and the court below and shall meet the officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. Petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)