

28.04.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 890 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.170 of 2018 arising out of Raghunathganj P. S. Case No.229 of 2018 dated 03.06.2018 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Javed Sk @ Javed Sk.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahman,
Ms. Dhanasree Biswas,
Ms. Poulami Bose.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

Petitioner submits no narcotics was recovered from his possession. Co-accused have been acquitted. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had absconded for more than four years.

We have considered the materials on record. No narcotics was recovered from the petitioner. But he had absconded and delayed the trial. Co-accused were acquitted in the meantime.

In view of the aforesaid circumstances, we are of the opinion though further detention of the petitioner is not necessary, movement of the petitioner requires to be restricted to ensure prompt conclusion of trial.

Accordingly, the petitioner viz., Javed Sk @ Javed Sk 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, Special Court under the NDPS Act, Murshidabad at Berhampore 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 jurisdiction of Raghunanthganj Police Station except for the purpose of attending court proceeding and report to the Officer-in-charge, Raghunathganj 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.)