

01.05.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 899 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.04.2023 in connection with Uluberia Police Station Case No.802 of 2014 dated 27.10.2014 under Section 20(b) of the NDPS Act.

And

In Re: ***Md. Mor Selim @ Md. Selim @ Moch @ Jhant***
... .. Petitioner

Mr. Jaydeep Biswas
Mr. Rishav Kr. Singh
Mr. Kaushik Ghosh
... .. 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 two years and six months. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits petitioner had absconded for six years.

We have considered the materials on record. Petitioner had been enlarged on bail in 2014. Thereafter, he absconded. He was rearrested in 2020. Charge has been framed in 2022 and only one witness has been examined. Offence involves intermediate quantity of *Ganja*. Petitioner is already in custody for 2½ years. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion though further detention of the accused/petitioner is not necessary, his movement requires to be restricted in order to ensure that he does not evade the process of law.

Therefore, the accused/petitioner, namely ***Md. Mor Selim @ Md. Selim @ Moch @ Jhant***, 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, Howrah 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Uluberia Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Uluberia Police Station once in a week until further orders.

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.)