

05.06.2023.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1038 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.29 of 2020 arising out of Singur P.S. Case No.97 of 2020 dated 10.04.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Golam Kader Mondal.

.... Petitioner.

Mr. Priyankar Ganguly.

...for the Petitioner.

Mr. Sanjoy Bardhan,

Ms. Debjani Dasgupta.

...for the State.

Petitioner is in custody for more than three years. He submits there is delay in trial. Co-accused Sk. Rajauddin has been released on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits two witnesses have been examined in the meantime.

We have considered the materials on record. Petitioner is in custody for more than three years. Co-accused Sk. Rajauddin has been released on bail on the ground of delay in trial. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Hence, he may be enlarged on bail.

Accordingly, the petitioner viz. Golam Kader Mondal 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-cum-Additional Sessions Judge, Hooghly 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.

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.)