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allowed

CRM(NDPS) No. 1348 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No. 349 of 2019 dated 13.10.2019 under Sections 20(b)(ii)(c) of the NDPS Act.

In Re : Md. Jafar @ Jafar petitioner

Mr. Arunava Ganguly
....for the petitioner

Mr. Ranadeb Sengupta
.... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. There is delay in trial. Co-accused have been enlarged on bail. 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 more than three years two out of nine witnesses have been examined. Possibility of conclusion of trial in the near future is bleak. Co-accused has been granted bail on the ground of delay. Under such circumstances we are of the opinion petitioner is entitled to bail on similar grounds.

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, Special Court under NDPS Act, Hooghly, Chinsurah, subject to condition that he 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)