

20.09.2023

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Allowed

C.R.M. (NDPS) No. 1559 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of NCB Crime No. 04/NCB/KOL/2020 under Sections 20(b)(ii)(c)/23(c)/29 of the NDPS Act.

And
In Re : Murtuja Azim petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha
.....for the petitioner

Mr. Kallol Mondal
Mr. Pradyat Saha
.....for the NCB

1. Learned Counsel for the petitioner submits he is in custody for three year and nine months. It is also submitted that there is inordinate delay in trial. Co-accused has been released on bail. He prays for bail.

2. Learned Counsel for the NCB opposes the prayer for bail.

3. We have considered the materials on record. Bail had been granted to co-accused on the ground of delay in trial. Petitioner stands on the same footing and is entitled to similar relief.

4. 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 the

NDPS Act-cum-Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas subject to conditions that 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 remain within the municipal limits of the districts of North 24-Parganas and Kolkata and shall provide address where he shall presently reside to the investigating agency as well as court below and shall report to the Superintendent, Narcotics Control Bureau (NCB) once in a month until further orders. Prior to his release, he shall deposit his Passport before the court below.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)