

12.10.2023
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allowed

CRM(NDPS) No. 1667 of 2023
with
CRM(NDPS) No. 1603 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N 33 of 2020 corresponding to NCB Crime No. 05/2020/KOL under Sections 21(c)/35/29 of the NDPS Act and under Section 8(c) of the NDPS Act.

And
In Re : Abdul Halim Kazi alias Gazi petitioner

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

Mr. Arun Kumar Maiti (Mohanty)
Mr. Subrata Santra
.... for the NCB

1. Learned Counsel for the petitioner submits he is in custody for two years and ten months. It is also submitted co-accused, Sajahan Sardar has been enlarged on bail. Recording of evidence has not commenced as yet. Accordingly, he prays for bail.

2. Learned Counsel for the NCB opposes the bail prayer and submits petitioner has criminal antecedents. After rejection of bail by this Court charge has been framed. Witnesses could not be examined as Presiding Officer was absent.

3. We have considered the materials on record. Co-accused, Sajahan Sardar has been released on bail. Petitioner has suffered incarceration for two years and ten months. No narcotic substance was recovered from his possession. Prosecution relies on CDRs showing telephonic conversations between the petitioner and co-accused as well as disproportionate asset to establish a case of conspiracy. No direct money trail

between the petitioner and co-accused from whom narcotics was recovered has been placed on record. Contents of the telephonic conversation is unknown. There is little possibility of trial concluding in the near future. Accordingly, we are inclined to release the petitioner on bail.

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 Additional District and Sessions Judge, 6th court, Barasat, North 24-Parganas, on further conditions that while on bail petitioner shall remain within the jurisdiction of district North 24 Parganas except for the purposes of investigation and /or attending court proceeding and shall meet the Officer-in-Charge of the Baduria Police Station once in a week until further orders. Petitioner 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)