

16.10.2023.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1669 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 2018 arising out of NCB Crime No.36/NCB/KOL/2018 dated 24.07.2018 under Section 8(c)/22(c)/29 of the NDPS Act.

In the matter of : **Alam Hosain.**

.... Petitioner.

Ms. Moumita Pandit,
Mr. Supreem Nskar,
Ms. Ritushree Banerjee,
Ms. Pritha Sinha.

...for the Petitioner.

Mr. Uttam Basak.

...for the NCB.

1. Petitioner is in custody for more than five years. Supplementary affidavit enclosing order dated 06.09.2022 in CRM (NDPS) 1007 of 2022 is placed on record.

2. Learned Advocate for the petitioner submits her client is in custody for more than five years. In spite of direction given by this Court vide order dated 06.09.2022 in CRM (NDPS) 1007 of 2022 to complete trial within one year from the date fixed for recording evidence, there is no progress in the matter. He renews his bail prayer.

3. Learned Advocate for NCB opposes the bail prayer. He submits report with regard to the status of trial.

2. We have considered the materials on record. There is hardly any progress in the matter. Since September, 2022, only two witnesses have been examined in full and another witness is examined in part. Prosecution proposes to examine 10

witnesses. There is no possibility of trial concluding in the near future.

3. Under such circumstances, we are of the opinion further detention of the petitioner would infract his fundamental right to speedy trial and he is entitled to bail on this score.

5. Accordingly, the petitioner viz., **Alam Hosain** 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, Malda 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 and on further condition that the petitioner while on bail shall remain within the district of Murshidabad except for the purpose of attending court proceeding and report to the Officer-in-charge, Samsargange Police Station once in a week until further orders.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

