

29.11.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1733 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.59 of 2022 arising out of Murutia P. S. Case No.187 of 2022 dated 09.08.2022 under Section 21(c)/29 of the NDPS Act.

In the matter of : **Abul Khoir Molla @ Abul Khair Molla**
@ Abul Khayer Molla.
.... Petitioner.

Md. Wasim Akram.
...for the Petitioner.

Mr. Ranadeb Sengupta.
...for the State.

1. Petitioner is in custody for about 477 days. He contends there is no progress in the matter. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits report. He contends bail prayer of the petitioner was rejected in April, 2023. Date has been fixed for supply of copies and consideration of charge.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected on merits in April, 2023. Though eight months have lapsed since then, there is no progress in trial and date has merely been fixed for supply of copies. This infracts the fundamental right to speedy trial of the petitioner and he is entitled to bail on this score alone. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.
4. Accordingly, the petitioner viz., **Abul Khoir Molla @ Abul Khair Molla @ Abul Khayer Molla** 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, Nadia at Krishnagar 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)