

08.11.2023
AD 7
Court no. 8
Sd/br

***In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side***

CRM (NDPS) 1805 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.10.2023 in connection with South Port Police Station Case No. 208 of 2018 dated 18-07-2018 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

In the matter of : Amjad Ali Khanpetitioner.

Mr. Uday Sankar Chattopadhyaya
Mr. Rohan Kabir
Ms. Trisha Rakshit

...for the petitioner.

Mr. Swapan Banerjee
Mr. Arijit Ganguly
Mr. Ashok Das

.....for the State.

1. The petitioner prays for bail. The learned advocate appearing for the petitioner submits that the accused along with three others were intercepted with 520 kg of ganja and is in custody for over five years. He further submits that one of the co-accused has been granted bail on 26th October, 2023.
2. The record reveals that out of nine witnesses, four witnesses have been fully examined and one witness has been partly examined.

3. The co-ordinate Bench on 26th October, 2023 while considering the application for bail for the co-accused has taken into account mainly the delay in trial.
4. Learned advocate for the State opposes the prayer for bail and submits that the delay in trial has predominantly occurred due to adjournments being taken on behalf of the accused persons including the petitioner, a co-accused.
5. Without going into the reasons for adjournments or being taken on whose behalf, we find that the trial has proceeded to a considerable extent. There is, as such, no requirement of the petitioner to be detained for custodial interrogation. A minimum likelihood of the petitioner influencing the trial if enlarged on bail as four witnesses have already been examined fully and one witness has been partly examined.
6. The provisions of Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, according to us, in the facts and circumstances of the case get whittled down.
7. We allow the application for bail of the present petitioner to the following conditions:
8. The petitioner will be enlarged on bail upon furnishing a bond of Rs.10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24 Parganas, on the following conditions:

- i) The petitioner shall not leave the local limits of the jurisdictional police station where he resides without prior information to the I.C/O.C of the concerned police station.
- ii) The petitioner should be present in court on the dates when the trial is fixed. In default the trial court shall be at liberty to cancel the bail bond without reference to this Bench.
- iii) The petitioner shall co-operate with the trial and shall obey all directions given by the court from time to time.
- iv) He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

9. The trial be concluded as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

10. The application for bail CRM (NDPS) 1805 of 2023 is, accordingly, disposed of.

(Biswaroop Chowdhury, J)

(Arindam Mukherjee, J.)

