

29.11.2023.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1894 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.05 of 2022 arising out of Haroa P. S. Case No.05 of 2022 dated 07.01.2022 under Section 21(c) of the NDPS Act.

In the matter of : **Ibrahim Mistri.**

.... Petitioner.

Md. Shahjahan Hossain,
Ms. Sanjida Sultana.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

1. Petitioner is in custody for more than one year and eleven months. He submits there is slow progress in the matter. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends two witnesses have been examined.
3. We have considered the materials on record. Though allegation against the petitioner involves recovery of narcotics above commercial quantity i.e. 5.5 ltrs. of codeine mixture, we note only two out of eight witnesses have been examined. There is slow progress in trial. There is little possibility of the trial concluding in the near future.
4. Under such circumstances, we are of the opinion further detention of the petitioner would infract his fundamental right to speedy trial under Article 21 of the Constitution of India and he is entitled to bail. Bail prayer on the ground of delay in trial

is not fettered by restrictions under Section 37 of the NDPS Act.

5. Accordingly, the petitioner viz., **Ibrahim Mistri** 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, Barasat, 24-Paraganas 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.

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.)