

06.03.2023

Sl. No.12
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 238 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.02.2023 in connection with NDPS Case No.34 of 2018 arising out of NCB Crime No.44/NCB/KOL/2018 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Jahangir Ali***

... .. Petitioner

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Ms. Rikta Sarkar

... .. for the petitioner

Mr. Sudipto Kumar Mazumdar .. Id. Dy. Solicitor General of India
Mr. Ajoy Kumar Singhania

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for more than four years. Co-accused has been enlarged on bail.

Learned Deputy Solicitor General of India opposes the prayer for bail and submits trial is in progress and two witnesses have been examined.

We have considered the materials on record. Though petitioner is in custody for more than four years, there is very slow progress in the matter. Only two witnesses have been examined. Co-accused viz. Mizanur Oli @ Mizanur Ali has been enlarged on bail. Petitioner stands on the same footing with the said co-accused.

Under such circumstances, we are constrained to hold fundamental right to speedy trial of the petitioner has been infringed and

he may be enlarged on bail. Bail prayer of the petitioner on this score is not fettered by restrictions under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely ***Jahangir Ali***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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-cum-Additional Sessions Judge, 1st Court, Jalpaiguri subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)