

02.03.2023

Sl. No.18
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 244 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2023 in connection with NCB Crime No.39/NCB/Kol/2017 dated 20.06.2017 under Sections 20(b)(ii)(c)/24/29 of the NDPS Act. (NDPS Case No.29 of 2017)

And

In Re: **Jawed Akhtar**

... .. Petitioner

Mr. Anirban Banerjee
Mr. Amanul Islam

... .. for the petitioner

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

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about five years and nine months. It is further submitted there is inordinate delay in trial.

Learned Advocate for the NCB opposes the prayer for bail.

We have considered the materials on record. Petitioner is in custody for more than five years. Charge was framed in 2018. Only one witness has been examined in full. The other witness has been examined in part. There is little possibility of the trial concluding in near future. Under such circumstances, we are of the view there is inordinate delay in trial and the petitioner is entitled to bail on this score.

Therefore, the accused/petitioner, namely **Jawed Akhtar**, 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, Siliguri 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.)