

4. Learned State counsel opposes the prayer and submits that recovery is of commercial quantity. However, he fairly submits that one prosecution witness is examined.

5. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

6. The Supreme Court in '*Petition(s) for Special Leave to Appeal (Crl.) No(s). 3221/2023 titled as Hasanujjaman and ors. vs. The State of West Bengal*' where 115 bottles of Phensedyl were recovered granted bail to the applicant after the custody of one year and four months.

7. The petitioner is in custody since 27.11.2021, there is no decent progress in trial as only one prosecution witness has been examined till date, conclusion of trial is likely to take time. The petitioner is not involved in any other case, the petitioner is granted bail on furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned. Further, it is specified that in case the petitioner is found to be involved in any other criminal case, it shall amount to misuse of the concession of bail and necessary consequences shall follow. The petitioner shall ensure appearance in the Trial Court regularly.

8. The petition is allowed.

9. Since the main case has been allowed the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

25th July, 2023
anuradha

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No