

11.01.2024

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Allowed

C.R.M. (NDPS) No. 39 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Belghoria Police Station Case No. 497 of 2021 dated 25.07.2021 under Sections 20(b)(ii)(c)/25/29/27A of the N.D.P.S. Act.

And
In Re : Md. Salim alias Md. Selim petitioner

Mr. Kailash Tamoli
Mr. Mritunjay Chatterjee
Mr. Debapriya Majumder
.....for the petitioner

Mr. Debasish Roy, learned PP
Mr. Rudradipta Nandy, learned APP
Mr. Iqbal Kabir
.....for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 29 months. Co-accused has been granted bail by the Hon'ble Apex Court. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was arrested at the spot. Delay is at the behest of the accused persons.
3. We have considered the materials on record. Three vehicles were apprehended and a consignment of over 315 kgs. of *Ganja* was recovered. Petitioner was in one of the vehicles as an assistant to the driver. Owner of one of the vehicles has been enlarged on bail by the Hon'ble Apex Court. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to make out a case for bail on the ground of

inordinate delay in trial and also on parity. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the petitioner be released on bail upon furnishing 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-cum-Additional District & Sessions Judge, 1st Court, Barrackpore, North 24-Parganas 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.
5. 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.
6. The application for bail, thus, stands allowed.
7. Trial be expedited. Petitioner shall not seek unnecessary adjournment. In the event he resorts to delay or dilation of the proceeding trial court shall be at liberty to cancel his bail in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

