

17.01.2024

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Allowed

C.R.M. (NDPS) No. 97 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Burwan Police Station Case No. 132 of 2021 dated 17.05.2021 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Jamal Sk. @ Jatnat Sk. petitioner

Mrs. Shaila Afrin

Ms. Rafat Jahan

Md. Yousuf

.....for the petitioner

Mr. Koushik Kundu

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and eight months. It is also submitted there is slow progress in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Though allegations involve recovery of narcotics above commercial quantity petitioner has prayed for bail on the ground of delay in trial. He is in custody for two years and eight months. Only two out of twelve witnesses have been examined. Under such circumstances, we are of the opinion petitioner has been able to make out a case for bail on the ground of delay in trial.

4. Accordingly, we direct that the petitioner 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 NDPS Act-cum-Additional District Judge, 2nd Court, Berhampore, Murshidabad, subject to condition that 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)