

22.01.2024.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 143 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia P.S. Case No.1 of 2022 dated 01.01.2022 under Sections 8(c) read with Sections 21(c)/29 of the NDPS Act.

In the matter of : **Siyamat Sha.**

.... Petitioner.

Ms. Devi Priya Mitra.

...for the Petitioner.

Mr. Anand Keshari.

...for the State.

1. Petitioner contends he is in custody for two years. He submits there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Large volume of narcotics was recovered from the petitioner. However, he is in custody for more than two years and only two witnesses have been examined. Prosecution proposes to examine 9 witnesses in all. There is little possibility of trial concluding in the near future.
4. 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. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Siyamat Sha** 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 the NDPS Act, Howrah subject to condition that he 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)