

31.01.2024.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 188 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. 135 of 2021 arising out of Barasat P. S. Case No.797 of 2021 dated 21.10.2021 under Section 21(c) of the NDPS Act.

In the matter of : **Mujit Ali.**

.... Petitioner.

Mr. S. Chandra,
Mr. Gourav Kr. Nath.

...for the Petitioner.

Mr. Sujan Chatterjee.

...for the State.

1. Petitioner is in custody for two years and three months. He submits there is slow progress in trial. Accordingly, he renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer. He contends charge has been framed.
3. We have considered the materials on record. 5 ltrs of codeine phosphate was recovered from the petitioner. He is in custody for two years and three months. However, there is tardy progress in trial and charge has only been framed. Witness action has not commenced.
4. 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. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act as held in ***Rabi Prakash Vs. State of Odisha***¹.
5. Hence, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Mujit Ali** 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 N.D.P.S. Act, Barasat, North 24-Paraganas 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 or commit similar offences in future.

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.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109