

21.02.2024

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Allowed

C.R.M.(NDPS) No. 337 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 421 of 2017 dated 13.07.2017 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sajrul Molla @ Sajul Mondal petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

... for the petitioner

Mr. Tanmoy Kumar Ghosh

Sk. Arif Hossain

... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than four years. 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 and submits report. Let the report be placed on record.

3. We have considered the materials on record including the report. Though large volume of narcotics i.e. 1200 bottles of phensedyl syrup was being illegally transported in the car of the petitioner, progress in trial is extremely slow. In spite of petitioner being in jail for more than four years prosecution has examined only five witnesses out of twenty four witnesses. There is little possibility of trial concluding in the near future. 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.

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 conditions 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.

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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109