

01.03.2024.
Sr. No. 35
Ct. No.28.
AB
(Allowed)

C.R.M. (NDPS) 412 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.56 of 2022 arising out of Islampur P. S. Case No.63 of 2022 dated 16.02.2022 under Sections 21(c)/29 of the NDPS Act.

In the matter of : **Nasir Hossain**

.... Petitioner.

Mr. J. Hossain,
Ms. Chandrima Debnath

...for the Petitioner.

Mr. Rana Mukherjee, Id. APP
Mr. Goutam Wilson

...for the State.

1. Petitioner is in custody for more than two years. It is contended that there is slow progress in trial. No witness has been examined till date.
2. Learned lawyer for the State submits that charge has already been framed.
3. We have considered the materials on record. Though 112 bottles of phensedyl was recovered from the petitioner, he is in custody for more than two years and no prosecution witness has been examined. Delay in the matter is not attributable to the petitioner.
4. Under such circumstances, we are of the opinion that the 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.

5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Nasir Hossain** 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, Berhampore, Murshidabad 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.)