

12.8.2024
Ct. No. 6
SL No. 28
SB

C.R.M. (NDPS) 1252 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S. Act, in connection with **Kaliachak** P.S. Case No. 1313 of **2021** dated 25.11.2021 under Sections 21(C)/22(C) /28/27A/ 29 of the N.D.P.S. Act
And

In the matter of: Samayun Sk @ Master

Mr. Arup Kumar Bhowmick ... for the petitioner

Mrs. Anasuya Sinha
Ms. Suveni Banerjee ... for the State

1. Petitioner is in custody for two year and nine months. There is delay in trial. He prays for bail.
2. Learned lawyer for the State contends bail prayer of the petitioner was rejected on merits in January 2024.
3. We have considered the materials on record. Petitioner is involved in trafficking narcotics about commercial quantity. His bail prayer was rejected in January 2024. Bail prayer of another co-accused Ruhul Amin Mirza@ Ruhul Amun Mirja was turned down in March 2024. Assurance was given and it was noted that date of examination of the witnesses have been fixed between 9th to 11th April, 2024. No witness was examined during the said schedule and only one witness have been examined in part till date. Prosecution proposes to examine 20 witnesses. There is little possible of trial concluding in near future.
4. Under such circumstances, we are of the opinion slow progress in speedy trial as entracted the fundamental right of the speedy trial of the petitioner and he is entitled to bail on this score. Bail prayer of the petitioner is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
5. Under such circumstances, we are inclined to grant bail to the petitioner.

1. Accordingly we direct petitioner shall be released on interim bail of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District Judge, 3rd Court, Special Court, Malda subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition while on bail petitioner shall remain within the police station of Kaliachak except for attending Court proceedings and shall report to the Officer-in-Charge of Kaliachak Police Station for investigational purposes once in a week, until further orders.
6. 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 without any further reference to this Court.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)