

11.9.2024
Ct. No. 6
SL No. 32
SB

C.R.M. (NDPS) 1281 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the B.N.S.S. Act 2023 in connection with **Habra** P.S. Case No. **262 of 2020** dated 07.6.2020 under Sections 21(c) of the N.D.P.S. Act.

And

In the matter of: Amit Mallick@ Guru

Mr. Susnigdho Bhatrtacharyya ... for the petitioner

Mr. Iqbal Kabir

Ms. Nahid Ahmedfor the State

1. Heard the learned advocates for the parties.
2. Petitioner is in custody for more than four years. He submits that slow progress in trial and he prays for bail
3. Learned counsel appearing for the State submits that petitioner has criminal antecedent and is implicated in a murder case also. He files report which is taken on record.
4. We have considered the materials on record.
5. Allegation involves recovery of six litre of codeine mixture. It is also alleged that petitioner has criminal antecedent. However, petitioner is in custody for more than four years and trial has not sufficiently progressed. Only four witnesses have been examined. It is trite that trial process should not be the punishment itself.
6. In view of the slow progress in trial we are constrained to observe fundamental right to speedy trial of the petitioner has been infringed 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.
7. Accordingly, 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 Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas 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.

8. 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.
9. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)