

C.R.M. (NDPS) 1413 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 **Baishnabnagar** P.S. Case No. **355 of 2023** dated 30.05.2023 under Sections 21(C) / 29 of the N.D.P.S. Act.

And

In the matter of: Majed Sk.

Mr. Arup Kumar Bhowmick ... for the petitioner

Ms. Subhasree Patel

Ms. Sanchit Talukdarfor the State

1. Heard the learned advocates for the parties.
 2. Petitioner is in custody for about one year and three months. He submits there is delay in trial and charge has not yet been framed. He prays for bail.
 3. Learned advocate appearing for the State submits delay is due to abscondence of co-accused.
1. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Charge has not yet been framed. Prosecution proposes to examine thirteen witnesses and there is no possibility of trial concluding in near future.
 2. Under such circumstances, we are of the opinion, petitioner is entitled to grant bail on the ground of entracted the fundamental right of the speedy trial of Article 21 of the Constitution of India 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.
 3. 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 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.

4. 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.
5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)