

CRM (NDPS) 1475 of 2024

In Re: - An application for bail under Section 439 of Code of Criminal Procedure / 483 of the B.N.S.S. 2023 in connection with **Maidan** P.S. Case No. **30** dated 02.4.2022 under Sections 20(b)(ii)(c) of NDPS

And

In the matter of: Md. Rahim Shekh

Mr. Raja Mukherjee

... for the petitioner

Mr. Avishek Sinha

Mr. Rahul Ganguly

...for the State

1. Petitioner is in custody for about two years and eight months. There is delay in trial. He prays for bail.
2. Learned counsel appearing for the State opposes the prayer for bail.
3. We have considered the materials on record. Petitioner is in custody for a considerable period. Two out of eight witnesses have been examined. There is no possibility of trial concluding in the near future.
4. Under such circumstances, we are of the opinion 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 fetter by restrictions under Section 37 of the NDPS Act as held in **Rabi Prakash Vs. State of Odisha**¹.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct that in the event of arrest 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 learned Special Judge under NDPS Act subject to condition that petitioner shall appear before the learned Trial Court on every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

¹ (2023) SCC Online SC 1109

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 the bail prayer 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.)