

08.11.2024.
35.
Ct.No.28.
SG
(Allowed)

C.R.M. (NDPS) 1507 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No. 35 OF 2022 arising out of Kaliachak Police Station Case No. 225 dated 24.02.2022 under Sections 22(c)/29 of the NDPS Act.

In the matter of : **Moktarul Sekh**

.... Petitioner.

Mr. Abhimanyu Banerjee,
Mr. Anirban Basak.

...for the Petitioner.

Mr. Jaydeep Biswas,
Ms. Eshita Dutta.

...for the State.

1. Petitioner is in custody for two years and eight months.

There is delay in trial Accordingly, he renews his bail prayer.

2. Learned Advocate for the State opposes the bail prayer.

Trial is in progress.

3. We have considered the materials on record. 270 gms of methamphetamine tablets were recovered from the petitioner.

He is in custody for a considerable period. Only six out of eleven witnesses have been examined. There is little 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 fettered by restrictions under Section 37 of the NDPS Act as held in ***Rabi Prakash Vs. State of Odisha***¹

¹ 2023 SCC OnLine 1109

5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Moktarul Sekh** 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 NDPS Act cum Additional District and Sessions Judge, 3rd Court, Malda 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.)