

05.11.2024
tkm/ct 28
sl no. 54

C.R.M. (NDPS) 1608 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Titagarh PS case no. 471 of 2022 dated 23.7.2022 under sections 21(c) of the NDPS Act

And

Allowed

In Re : Nashim Akhter @ Steel Sonu

... petitioner

Mr. S Chowdhury

..... for the petitioner

Ms. Anasuya Sinha

..... for the State

1. Petitioner is in custody for more than two years. He submits examination of witnesses have not commenced. Accordingly, he prays for bail on the ground of delay.

2. Learned lawyer for the State submits report with regard to status of trial. She contends petitioner has criminal antecedents.

3. We have considered the materials on record. Though narcotics above commercial quantity i.e. 2.8 kgs of codeine mixture was recovered from the petitioner and co-accused (since deceased), we note petitioner is in custody for a considerable period of time. Examination of witnesses have not commenced. Prosecution proposes to examine nine witnesses. There is no possibility of trial concluding in the near future.

4. Under such circumstances although we are inclined to grant bail to the petitioner on the ground of delay in trial, in view of his criminal antecedents we propose to impose restrictions on his movement.

5. Accordingly, the petitioner 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

Special Judge under NDPS Act Barrackpore North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that petitioner while on bail shall remain within the district of North 24 Parganas and report to the Officer-in-Charge of Titagarh P.S once a week until further orders.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (NDPS) 1608 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)