

CRM (NDPS) 1733 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 Jalangi P.S. Case No. 324 / 2022 dated 20.10.2022 under Sections 20(b)(ii)(c)/ 29 of NDPS Act

And

In the matter of: Shyamal Mondal

Ms. Shabana Hasin

Ms. Samima Akter Basu

... for the petitioner

Mr. Faria Hossain

Mr. Sufi Kamal

...for the State

1. Petitioner is in custody for about two years and one month. 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. In view of recovery of narcotic above commercial quantity that is 34.990 Kgs. of Ganja bail prayer was rejected in April 2024. Almost six months have expired since then but no witness has been examined. In view of the slow progress in trial and the consequent period of detention suffered by the petitioner we are of the opinion petitioner has been able to make out a case for delay in trial.
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.**
5. Hence, we are inclined to grant bail to the petitioners.
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 Judge, Special Court under NDPS Act- cum- ADJ, 5th Court, Berhampore, Murshidabad 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.

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.)