

C.R.M. (NDPS) 1794 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended /under Section 483 of the Bharatiya Nagarik Surksha Sanhita, 2023, in connection with **Kaliachak Police Station Case No.1298 of 2022** dated **10.11.2022** under **Sections 21(c)/29** of the Narcotic Drugs and Psychotropic Substances Act read with **Sections 25(1)(a)** of the Arms Act.

And

In the matter of: **Sekat Sk @ Ali @ Md. Sekat Sk.**

Mr. Tapodip Gupta,
Mr. Suman Bhanja, ...for the Petitioner

Ms. Faria Hossain,
Mr. Mujibar Ali Naskar,for the State

1. Petitioner is in custody for more than 2 years. There is delay in trial.

He renews his bail prayer on the ground of delay.

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

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Though 263.98 grams of brown sugar and firearms were recovered from the petitioner, no witness has been examined. There is delay in trial which has infringed his fundamental right under Article 21 of the Constitution of India. Bail prayer on the ground of delay is not fettered by restriction under Section 37 of the NDPS Act.

4. Accordingly, we direct the petitioner namely, **Sekat Sk @ Ali @ Md.**

Sekat Sk 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 NDPS Act), 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.

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

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)