

11.12.2024
Pritam/ct 28
sl no. 35.

C.R.M. (NDPS) 1900 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Sankrail PS Case No.943/2023 dated 10.12.2023 under section 21(c)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

Allowed

In Re : Md. Shakib Alam.

... petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh

..... for the petitioner.

Mr. Joydeep Biswas,
Ms. Ayana Dey

..... for the State.

1. Petitioner is in custody for 367 days.
2. No witness has been examined till date.
3. Co-accused persons have been enlarged on bail by the Hon'ble Apex Court.
4. In view of the aforesaid facts, we are inclined to release the petitioner on bail on the ground of 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 restricted by the fetters under Section 37 of the NDPS Act.
5. Accordingly, we direct 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 Judge, Special Court, NDPS Act, Howrah 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.

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) 1900 of 2024 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)