

02.01.2024.
14.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 2073 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.227 of 2021 arising out of Islampur P.S. Case No.353 of 2021 dated 02.11.2021 under Sections 21(c)/29 of the NDPS Act and charge sheet submitted under Section 21(c) of the NDPS Act.

In the matter of : **Jiyar Sk @ Jia Sk @ Jiarul Sk.**

.... Petitioner.

Ms. Shabana Hasin.

...for the Petitioner.

Mr. Anand Keshari.

...for the State.

1. Petitioner is in custody for two years and two months. He submits there is inordinate delay in trial. He prays for bail.
2. Learned Advocate for State opposes the bail prayer. He contends trial is in progress. Five witnesses have been examined.
3. We have considered the materials on record. 115 bottles of phensedyl syrup was recovered from the petitioner. He is in custody for more than two years and only five witnesses have been examined. There is no possibility of trial concluding in the near future. Delay in the matter cannot be attributed to the petitioner.
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. Hence, he may be enlarged on bail.
5. Accordingly, the petitioner viz., **Jiyar Sk @ Jia Sk @ Jiarul 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 the NDPS Act, Berhampore, Murshidabad 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.

6. In the event the 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)