

13.02.2024.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 2095 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.22 of 2020 arising out of Kaliachak P. S. Case No.314 of 2020 dated 19.04.2020 under Sections 21(C)/29 of the NDPS Act.

In the matter of : **Minnatullah.**

.... Petitioner.

Mr. Sagar Saha,
Ms. Eshita Dutta.

...for the Petitioner.

Mr. Sujan Chatterjee.

...for the State.

1. Report is placed on record.
2. Heard the learned Advocates for the parties.
3. We have considered the materials on record. Petitioner is in custody for three years and ten months. There is inordinate delay in trial and charge has only been framed till date. Prosecution proposes to examine 13 witnesses. There is little possibility of trial concluding in the near future. Delay in the matter is not attributable 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. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act as held in ***Rabi Prakash Vs. State of Odisha***¹.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Minnatullah** shall be released on bail upon furnishing a bond of Rs.10,000/- with

¹ (2023) SCC OnLine SC 1109

two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the N.D.P.S. Act–cum-Additional District Judge, 3rd Court, Malda 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 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 his bail 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.)