

05.01.2024

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Allowed

C.R.M. (NDPS) No. 09 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bizpur Police Station Case No. 629 of 2021 dated 18.12.2021 under Sections 21(c)/29 of the N.D.P.S. Act.

And

In Re : Sk. Azad @ Md. Azad & Anr. petitioners

Mr. Debasis Kar

Mr. Arka Tilak Bhadra

.....for the petitioners

Mr. Jaydeep Biswas

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for more than two years and one month. There is delay in trial. They pray for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioners have criminal antecedents.

3. We have considered the materials on record. Though allegations involve possession of 5 kgs. of Codeine Mixture which would attract statutory restrictions under Section 37 of the NDPS Act petitioners have canvassed their prayer for bail on the ground of delay in trial. Till date two witnesses have been examined and prosecution proposes to examine nine witnesses in all. There is no possibility of trial concluding in the near future. Keeping in mind the aforesaid facts, we are of the

opinion further detention of the petitioners is not necessary and they may be released on bail subject to conditions.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Barrackpore North 24-Parganas, on further condition that they shall meet the Officer-in-Charge, Bizpur Police Station once in a week until further orders. Petitioners 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.

5. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)