

13.05.2024

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (NDPS) No. 103 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhan Nagar Police Station Case No. 996 of 2021 dated 13.12.2021 under Sections 21(c)/22(c) of the N.D.P.S. Act.

And

In Re : Asgar Ali petitioner

Ms. Sidhi Sethia
Ms. Rima Sarkar
Ms. Suparna Paul

.... for the petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Kallol Nag

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and six months. It is submitted there is slow progress in trial. He prays for bail.

2. Learned Additional Public Prosecutor submits six out of fourteen witnesses have been examined.

3. We have considered the materials on record. Petitioner is in custody for two years and six months. There is slow progress in trial. Six out of fourteen witnesses have been examined. Under such circumstances petitioner has made 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. Hence, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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-cum-learned Additional District & Sessions Judge, 2nd court, Siliguri, subject to condition that petitioner 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 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109