

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

**21.01.2025.
03.
Ct.No.28.
as
(Allowed)**

C.R.M. (NDPS) 3 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.09 of 2023 arising out of Reang P.S. Case No.21 of 2023 dated 07.04.2023 under Section 22(c) of the NDPS Act.

In the matter of : ***Javed @ Jauwad Alam.***

.... Petitioner.

Mr. Anirban Banerjee,
Mr. M. Rahaman.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Saikat Chatterjee.

...for the State.

1. Petitioner is in custody for over 656 days. There is slow progress in trial. Accordingly, he renews his prayer for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Though narcotics above commercial quantity were recovered from petitioner and co-accused, there is very slow progress in the matter. He is in custody for a considerable period of time. No witness has been examined as yet.
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 resulting in breach of Article 21 of the Constitution of

India 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 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, Kalimpong 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.)

¹ 2023 SCC OnLine 1109