

24.01.2023.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 96 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.48 of 2018 arising out of Durgapur P. S. Case No.386 of 2018 dated 13.08.2018 under Sections 21(C)/29 of the NDPS Act read with Section 120B of the Indian Penal Code and Sections 25(1B)(a)/35 of the Arms Act.

In the matter of : Sailen Garai.

.... Petitioner.

Mr. Suman De.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for four years. Co-accused viz., Dipak Singh has been enlarged on bail. There is inordinate delay in trial. He renews his prayer for bail.

Learned Advocate for the State produces the case diary.

We have considered the materials on record. Petitioner is a conspirator in the crime. Co-accused viz., Dipak Singh is on bail. Only four out of 33 witnesses have been examined. There is little possibility of the trial concluding in the near future. Bail prayer on the plea of inordinate delay in trial is not fettered by the statutory restrictions under Section 37 of the NDPS Act.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sailen Garai 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 N.D.P.S. Act, Purba Bardhaman 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.

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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)