

13.02.2023.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 156 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.36 of 2019 arising out of Belghoria P. S. Case No.122 of 2019 dated 24.02.2019 under Sections 21(c) of the NDPS Act.

In the matter of : Souvik Majumdar @ Naru.

.... Petitioner.

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.

...for the State.

Petitioner is in custody for about four years. In spite of direction of this Court in CRR 806 of 2020 and CRR 1831 of 2022 to conclude the trial as expeditiously as possible, trial has not concluded as yet.

Learned Advocate for the State opposes the bail prayer. Report filed on behalf of the State be kept on record.

We have considered the materials on record. Petitioner is in custody for about four years. On 1st August, 2022, a learned Single Judge of this Court in CRR 1831 of 2022 directed examination of remaining witnesses between 11th September to 16th September, 2022. Notwithstanding such direction, only one witness i.e. Constable 1248 Ram Mohan Mondal was examined on 16.2.2022. Next date is fixed in February, 2023 for examination of the Investigating Officers. No explanation is forthcoming why the aforesaid police officers could not be examined in the earlier schedule. That apart, there is little

possibility of the petitioner winning over the police officers who are yet to be examined.

Bearing in mind the protracted period of detention suffered by the petitioner and as all vital witnesses (excepting investigating officers) have already been examined, we are of the opinion he may be released on the ground of inordinate delay in trial.

Accordingly, the petitioner viz., Souvik Majumdar @ Naru 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, Barrackpore, North 24-Paraganas 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.)

