

16.02.2023
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allowed

CRM (NDPS) No. 286 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 52/NCB/KOL/2017 under Sections 8(C) and 20(b)(ii)(C)/29 of the NDPS Act.

And

In Re : Amal Shil petitioner

Mr. Soumya Basu Roy Chowdhuri
.....for the petitioner

Mr. Rajendra Banerjee
Mr. Rajesh Kumar Shah
..... for the UOI

Learned Counsel for the petitioner submits that he is in custody for more than five years. There is inordinate delay in trial. Co-accused similarly circumstanced with the petitioner has been enlarged on bail by this Court. He prays for bail.

Learned Counsel for the NCB opposes the prayer for bail.

We have considered the materials on record. There is inordinate delay in trial. On such score co-accused has been enlarged on bail. Petitioner stands on the same footing with the co-accused. Under such circumstances, we are inclined to extend the same privilege to the petitioner.

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, Howrah, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall

not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)