

21.02.2023.
22.
Ct.No.28.
(Allowed)

C.R.M. (NDPS) 322 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.63 of 2017 arising out of Ashoknagar P. S. Case No.125 of 2017 dated 18.02.2017 under Sections 20(b)(ii)(C) of the NDPS Act.

In the matter of : Bapi Das @ Kali.

.... Petitioner.

Mr. Soujanya Bandyopadhyay.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Manoranjan Mahata.

...for the State.

Petitioner is in custody for more than six years. He submits there is inordinate delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though petitioner is in custody for six years, only two witnesses have been examined. There is little possibility of the trial concluding in the near future.

Under such circumstances, we are of the opinion petitioner is entitled to bail.

Accordingly, the petitioners viz., Bapi Das @ Kali and 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, Barasat, 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.)