

15.03.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 392 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.166 of 2018 arising out of Bizpur P.S. Case No.706 of 2018 dated 24.12.2018 under Section 21(c) and 29 of the NDPS Act.

In the matter of : Subir Chakraborty.

.... Petitioner.

Mr. Debasis Kar.

...for the Petitioners.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than four years. There is delay in trial. Co-accuseds have been enlarged on bail.

Learned Advocate for the State opposes the bail prayer. He submits narcotics above commercial quantity was recovered from the petitioner and co-accuseds.

We have considered the materials on record. There is slow progress in the matter and only two witnesses have been examined. Due to delay in trial, co-accuseds have been granted bail. Petitioner stands on the same footing with the co-accuseds.

Hence, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Subir Chakraborty 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, Barrackpore, North 24-Paraganas subject to condition that the petitioner 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.)