

28.03.2023
Sl. No.12
akd
[ALLOWED]

C. R. M. (NDPS) 528 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.03.2023 in connection with Special Task Force (STF) Police Station Case No.14 of 2020 dated 25.02.2020 under Sections 17(c)/29 of the NDPS Act. (NDPS Case No.18 of 2020)

And

In Re: ***Tapan Kumar Dutta***

... .. Petitioner

Ms. Minoti Gomes
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial. Co-accused viz. Papan Sarkar has been enlarged on bail.

Learned Advocate for the State opposes the prayer for bail and submits trial has commenced and one witness has been examined.

We have considered the materials on record. Though allegations are grave, petitioner is in custody for over three years. Co-accused viz. Papan Sarkar similarly circumstanced with the petitioner has been enlarged on bail on the ground of inordinate delay in trial. Petitioner stands on the same footing with that of co-accused who has been enlarged on bail and may be extended the same privilege.

Therefore, the accused/petitioner, namely ***Tapan Kumar Dutta***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Bench-I, Special Court under the NDPS Act, City Sessions Court, Calcutta subject to condition that the said 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 or commit similar offences in future.

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

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)