

10.04.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 689 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl. Case No.48 of 2018 arising out of Durgapur P. S. Case No.386 of 2018 dated 13.08.2018 under Sections 21C/29 of the NDPS Act and under Sections 25(1B)(a)/35 of the Arms Act read with Section 120B of the Indian Penal Code.

In the matter of : Jitendra Kumar @ Jiten Kumar
Prasad & Anr.

.... Petitioners.

Mr. Kunal Ganguly.

...for the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for more than four years and seven months. Co-accused is on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer and produces the Case Diary.

We have considered the materials on record. There is inordinate delay in trial. On such ground, co-accused viz., Ajit Kumar Singh has been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioners viz., Jitendra Kumar @ Jiten Kumar Prasad and Ravi Chowrasia shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Purba Bardhaman subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)