

15.05.2023
Sl. No.16
akd
[ALLOWED]

C. R. M. (NDPS) 973 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.05.2023 in connection with STF Police Station Case No.32 dated 24.08.2019 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.34 of 2019)

And

In Re: ***Uttam Sen***

... .. Petitioner

Mr. Koushik Kundu
Ms. Mithu Das

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor
Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and eight months. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Petitioner has suffered protracted period of incarceration. Progress in trial is not appreciable. Under such circumstances, co-accused have been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely ***Uttam Sen.***, 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, Special Court, under the NDPS Act, Bench-I, 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.)