

C.R.M. (NDPS) 1061 of 2023

29.05.2023
Sl. 5
Court No. 4
(sourav/
Chanchal)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Bizpur** Police Station Case No. **22** of **2020** dated **15.01.2020** under Sections **21(c)/29** of the Narcotic Drugs and Psychotropic substances Act, 1985.

And

In the matter of: **Rahul Dey**

....petitioner.

Mr. Debasish Kar

...for the petitioner.

Mr. Swapan Banerjee

Mr. Santanu Deb Roy

... for the State.

Learned advocate appearing on behalf of the petitioner submits that the petitioner was arrested on 15th January, 2020 and forwarded to Court on 16th January, 2020 and since then, he is in custody. According to the learned advocate, till date charge has not been framed and the petitioner is in custody for three years four months.

Learned advocate for the State opposes the prayer for bail and submits that from the joint possession of all the accused persons, 4.500 Kgs. codeine mixture were recovered.

We have considered the submissions of both the parties and having regard to the fact that the petitioner is in custody for three years four months without the trial having commenced, we are inclined to release the petitioner on bail.

Accordingly, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Barrackpore, North 24 Parganas, subject to the condition that the petitioner

(who has furnished his address as of Ghoshpara, P.O. Kataganj, P.S. Kalyani, District – Nadia), will furnish a title deed in respect of the property of a person as a surety whose residence would be within the jurisdiction of Kalyani Police Station. Petitioner shall for a period of next six months meet with the Officer-in-Charge/Inspector-in-Charge, Kalyani Police Station once in a fortnight.

The Officer-in-Charge/Inspector-in-Charge, Kalyani Police Station will send a compliance report to the learned Judge, Special Court under NDPS Act, Barrackpore each and every month for the next six months regarding the appearance of the accused.

Petitioner shall be present on each and every date fixed by the learned Trial Court physically.

Accordingly, the application for bail being **C.R.M. (NDPS) 1061 of 2023** is, thus, allowed.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

All the parties to act on the basis of server copy downloaded from the official website of the Hon'ble Court.

(Tirthankar Ghosh, J.)

(Rai Chattopadhyay, J.)

