

12.07.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1250 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.07.2023 in connection with NCB Crime No. 21/NCB/KOL/2016 dated 09.06.2016 under Sections 8(c)/15(c)/29 of the NDPS Act. (NDPS Case No.10 of 2016)

And

In Re: **Samir Das**

... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sourav Bera
Mr. Sumit Routh

... .. for the petitioner

Mr. Kallol Basu
Mr. Tirtha Pati Acharyya

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for more than seven years. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the NCB opposes the prayer for bail.

We have considered the materials on record. Bail prayer of co-accused was allowed on the ground of inordinate delay in trial. Petitioner is similarly circumstanced with the co-accused. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Therefore, the accused/petitioner, namely **Samir Das**, 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, 3rd Court, Howrah 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.)