

31.07.2023.
04.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1271 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.254 of 2019 arising out of NCB Crime No.24/NCB/KOL/2019 under Sections 21(c)/27A/28/29 of the NDPS Act and Section 8(c) of the NDPS Act.

In the matter of : Balveer & Anr.

.... Petitioners.

Mr. Angshuman Chakraborty.

...for the Petitioners.

Mr. Kallol Mondal,

Mr. Manabendra Nath Bandyopadhyay.

...for the NCB.

Petitioners are in custody for more than four years. They submit there is delay in trial. They pray for bail on such score.

Learned Advocate for the NCB submits report.

We have considered the materials on record including the report. We take note of the fact that no prosecution witness has been examined and bailable warrant has been issued to ensure the attendance of the witness. This is a dismal reflection on the promptitude to lead prosecution evidence while accused are in incarcerating in jail. They are no way responsible for the delay which has infringed their right to speedy justice.

In view of the law declared in *Rabi Prakash Vs. The State of Odisha*¹ and the protracted period of detention suffered by the petitioners, we are inclined to grant bail to them.

¹ SLP (Crl) No.4169 of 2023

Accordingly, the petitioners viz. Balveer and Rakesh 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, Barasat, North 24-Paraganas 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)