

16.08.2023.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1392 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nischinda P.S. Case No.16 of 2019 dated 06.02.2019 under Sections 468/471/472 of the Indian Penal Code and Sections 20(b)(ii) C/29 of the NDPS Act.

In the matter of : Subhash Ghosh.

.... Petitioner.

Mr. Raja Mukherjee.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

1. Petitioner is in custody for more than four years. There is inordinate delay in trial. Co-accused has been granted bail. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is in custody for more than four years. On the ground of inordinate delay, co-accused has been granted bail. Petitioner stands on the same footing with the said co-accused. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., Subhash Ghosh shall be released on bail upon furnishing a bond of Rs.10,000/- 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-cum-Additional Sessions Judge, 3rd Court, Howrah, Malda subject to condition that he 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.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)