

16.08.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1396 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 : Subhankar Gain @ Suvankar.

.... Petitioner.

Mr. Anghsuman Chakraborty.

...for the Petitioner.

Mr. Kallol Mondal.

...for the UOI.

1. Petitioner is in custody for about four years. He submits co-accused are on bail. There is delay in trial. He prays for bail.
2. Learned Advocate for the NCB opposes the bail prayer. He submits one witness has been examined since the order of bail in favour of co-accused.
3. We have considered the materials on record. Progress in the trial is very slow. Only one witness has been examined till date. Petitioner is in custody for a considerable period of time. Co-accused has been enlarged on bail on the ground of inordinate delay. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.
4. Hence, we are inclined to grant bail to the petitioner on similar ground.
5. Accordingly, the petitioner viz., Subhankar Gain @ Suvankar 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, Barasat, North 24-Paraganas 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.)