

20.12.2023.
09.
Ct.No.28
Sourav
[Allowed]

C.R.M. (NDPS) 2004 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Belur P.S. Case No. 41 of 2021 dated 17.02.2021 under Sections 21(C) of the NDPS Act (Charge sheet submitted under sections 21(C)/29 of the NDPS Act.

In the matter of : Dilabar Ansvari

... Petitioner.

Mr. Apalak Basu,
Mr. Nazir Ahmed,
Mr. Soumyajit Chakrabarty

...for the Petitioner.

Mr. Souvik Ganguly

...for the State.

1. Petitioner is in custody for two years and nine months. There is slow progress in trial. Accordingly, he prays for bail.
2. Learned lawyer for the State submit trial is in progress..
3. We have considered the materials on record. Though petitioner is in custody for two years and nine months only two witnesses have been examined. Prosecution proposes to examine 14 witnesses in all. Delay in the trial is not attributable to the petitioner. There is no possibility of trial concluding in near future.
4. Under such circumstances, we are of the opinion petitioner has been able to make out the case for bail on the ground of delay.

5. Accordingly, the petitioner 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 District Judge, 3rd Court, Howrah 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 or commit similar offences in future.
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, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)