

21.12.2023
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 2012 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.12.2023 in connection with Belghoria Police Station Case No.497 of 2021 dated 25.07.2021 under Sections 20(b)(ii)(c)/25/29/27A of the NDPS Act.

And

In Re: ***Jagat Ram Nag***

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Kailash Tamoli
Mr. Santanu Deb Roy

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 29 months. Co-accused has been granted bail by the Hon'ble Apex Court. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was arrested at the spot. Delay is at the behest of the accused persons.
3. We have considered the materials on record. Three vehicles were apprehended and a consignment of over 315 kgs. of *Ganja* was recovered. Petitioner was in one of the vehicles as an assistant to the driver. Owner of one of the vehicles has been enlarged on bail by the Hon'ble Apex Court. We are informed another owner who was at the spot, for reasons best known to the prosecution, has been discharged. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to make out a case for bail on the ground of inordinate delay in trial and also on parity. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of

the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Jagat Ram Nag**, 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-cum-Additional District & Sessions Judge, 1st Court, Barrackpore, North 24-Parganas 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)