

C. R. M. (NDPS) 2019 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.12.2023 in connection with T.R. Case No.27 of 2020 arising out of NCB Crime No.13/NCB/KOL/2020 under Sections 20(b)(ii)(c)/29/35/54 of the NDPS Act.

And

In Re: ***Dharmendra Das***

... .. Petitioner

Ms. Devi Priya Mitra

... .. for the petitioner

Mr. Krishnendu Bhattacharya

Mr. Priyankar Ganguly

... .. for the UOI

1. It is submitted on behalf of the petitioner that he is in custody for about three years and six months. Co-accused has been enlarged on bail on the ground of inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the UOI opposes the prayer for bail.
3. We have considered the materials on record. On the score of inordinate delay in trial, co-accused has been enlarged on bail. 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 ***Dharmendra Das***, 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 Sessions Judge, 3rd Court, Howrah 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.)