

21.12.2023
Sl. No.15
akd
[ALLOWED]

C. R. M. (NDPS) 2031 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2023 in connection with Airport Police Station Case No.380 of 2021 dated 07.10.2021 under Sections 20(b)(ii)(c)/27A/29 of the NDPS Act.

And

In Re: ***Prasanta Nayak***

... .. Petitioner

Mr. Subhajit Chowdhury

... .. for the petitioner

Mr. Jaydeep Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that there is delay in trial.
Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits bail prayer of co-accused has been turned down by this court in CRM (NDPS) 1900 of 2023.
3. In reply, learned Advocate for the petitioner submits while considering the bail prayer the court had not been apprised of the fact that an earlier direction to conclude trial within eight months passed by the learned Single Judge in CRR 3949 of 2022 had been communicated to the trial court in December, 2022.
4. We have considered the prayer for bail in the light of the aforesaid submissions made at the Bar. Perusal of the order sheets show order passed by the learned Single Judge in CRR 3949 of 2022 was communicated to the trial court in December, 2022. Thereafter, only one witness has been partly examined. Progress in trial is very slow. There is no possibility of trial concluding in the near future. Under

such circumstances, we are of the opinion petitioner is entitled to be released on bail on the ground of delay in trial.

5. Therefore, the accused/petitioner, namely **Prasanta Nayak**, 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, 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 and on further condition that the petitioner, while on bail, shall remain within the district of North 24-Parganas and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall meet the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)