

16.01.2024.

17.

Ct.No.28.

as

(Allowed)

C.R.M. (NDPS) 30 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.57 of 2021 arising out of Bizpur P.S. Case No.346 of 2021 dated 03.08.2021 under Sections 21(c) of the NDPS Act.

In the matter of : **Palash @ Palas Chandra & Anr.**

.... Petitioners.

Mr. Shibaji Kr. Das,
Mr. Dipendu Sarkar,
Ms. Sabana Khatun.

...for the Petitioners.

Mr. Ranadeb Sengupta.

...for the State.

1. Heard the learned Advocates for the parties.
2. Supplementary affidavit is placed on record. Report on behalf of the State is also placed on record.
3. We have considered the materials on record. Petitioners are in custody for two years and five months. Only four out of nine witnesses have been examined. There is inordinate delay in trial. Petitioner has not contributed to the delay.
4. Under such circumstances, we are of the opinion petitioners have been able to make out a case for bail on the ground of delay in trial.
5. Accordingly, the petitioners viz., **Palash @ Palas Chandra and Biswanath Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- each 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-Paraganas subject to condition that

they 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 petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their 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.)