

11.01.2024

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Allowed

C.R.M. (NDPS) No. 34 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 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 N.D.P.S. Act.

And

In Re : Biswanath Podh petitioner

Mr. Kailash Tamoli

Mr. Mritunjay Chatterjee

Mr. Debapriya Majumder

.....for the petitioner

Mr. Debasish Roy, learned PP

Mr. Rudradipta Nandy, learned APP

Mr. Avishek Sinha

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years and six months. Co-accused has been granted bail by the Hon'ble Apex Court as well as this Court. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner does not stand on the same footing with the co-accused, owner of the vehicle who has been granted bail.

3. We have considered the materials on record. Three vehicles were apprehended and 315 kgs. of Ganja was recovered. Owner of one of the vehicles has been enlarged on bail. Under such circumstances another accused Jagat Ram Nag, an assistant to the driver has been enlarged on bail. Apart

from the issue of parity we note that the petitioner is in custody for more than 2 ½ years. Examination of P.W. 1 is in progress. Prosecution proposes to examine twenty witnesses in all. There is little possibility of trial concluding in the near future. Under such circumstances we are of the opinion that petitioner may be granted bail.

4. Accordingly, we direct that 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 Additional District & Sessions Judge, 1st Court, Special Judge under NDPS Act, Barrackpore, North 24 Parganas, , subject to condition that 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

7. Trial be expedited. Petitioner shall not seek unnecessary adjournment. In the event he resorts to delay or dilation of the proceeding trial court shall be at liberty to cancel his bail in accordance with law.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

