

15.01.2024.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 83 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.28 of 2021 arising out of Kulpi P.S. Case No.151 of 2021 dated 18.05.2021 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : **Santanu Dalui @ Shantanu Dalui.**

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,
Ms. Ipsita Ghosh.

...for the Petitioner.

Mr. Anand Keshari.

...for the State.

1. Petitioner is in custody for more than two years and seven months. He submits there is delay in trial. Co-accused viz., Haralal Mondal has been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for State opposes the bail prayer. He contends petitioner does not stand with co-accused viz., Haralal Mondal who has been granted bail.

3. We have considered the materials on record. 44 kgs. of ganja was recovered from a vehicle. Petitioner was driving the vehicle and was arrested from the spot. But he is in custody for two years and seven months. Only three witnesses have been examined. Delay in the matter cannot be attributed to the petitioner.

4. Keeping in mind the aforesaid facts, we are of the opinion petitioner has been able to make out a case for bail on the ground of delay in trial. Bail prayer on the ground of delay in

trial is not fettered by restrictions under Section 37 of the NDPS Act.

5. Hence, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz, **Santanu Dolui @ Shantanu Dalui** 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 Chief Judicial Magistrate, Alipore, South 24-Paraganas subject to condition that he 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.

7. In the event the 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.

8. This application for bail is, thus, disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)