

16.01.2024.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 93 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No.70 of 2021 dated 26.08.2021 under Sections 20(b)(ii)(C)/28/29 of the NDPS Act.

In the matter of : **Subha @ Subba Paswan.**

.... Petitioner.

Mr. Tapodip Gupta,
Sk. toslim ali,
Mr. Suman Bhanja.

...for the Petitioner.

Mr. Sourav Chatterjee,
Mr. Subrata Santra.

...for the NCB.

1. Petitioner is in custody for about two years and four months. There is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the bail prayer.
3. We have considered the materials on record. It is alleged 23 kgs. of ganja was recovered from petitioner. But he has suffered incarceration for two years and four months. Only one witness has been examined in part. Prosecution proposes to examine six witnesses in all. There is little possibility of trial concluding in the near future.
4. Under such circumstances, 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. Accordingly, the petitioner viz., **Subha @ Subba Paswan** 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 Judge, Special Court under the NDPS Act, Howrah 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 or commit similar offences in future.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)