

16.01.2024.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 90 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.252 of 2019 arising out of Gobardanga P.S. Case No.244 of 2019 dated 14.12.2019 under Sections 21(C) of the NDPS Act.

In the matter of : **Rakesh Roy @ Robi.**

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Ms. Sreyashee Biswas.

...for the State.

1. Petitioner is in custody for about four years and two months. There is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. Two witnesses have been examined.
3. We have considered the materials on record. Although the allegations involve recovery of narcotics above commercial quantity i.e. 5.2 ltrs. of codeine mixture, we note petitioner has suffered incarceration for a protracted period of time. In the meantime, only two out of nine witnesses have been examined. 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.
5. Accordingly, the petitioner viz., **Rakesh Roy @ Robi** 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, Barasat, 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 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.)