

18.01.2024

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Allowed

C.R.M. (NDPS) No. 101 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hastings Police Station Case No. 110 of 2021 dated 08.09.2021 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Saheb Chakraborty petitioner

Mr. S. Chakraborty
Mr. Wrickbrata Roy

.....for the petitioner

Mr. Avishek Sinha

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and four months. It is also submitted there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Though narcotics above commercial quantity is alleged to have been recovered, petitioner is in custody for a considerable period of time. Indifferent attitude of the prosecution in conducting trial is evident from the fact thatailable warrants have been issued to ensure attendance of the witnesses. Delay is not attributable to the petitioner. Under such circumstances, we are inclined to grant bail to the petitioner on the ground of inordinate delay in trial.

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 Judge, Bench-I, Special Court under NDPS Act, City Sessions Court, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)