

19.01.2024

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Allowed

C.R.M. (NDPS) No. 130 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jagaddal Police Station Case No. 613 of 2021 dated 11.08.2021 under Section 21(c) of the N.D.P.S. Act.

And

In Re : Raja Das petitioner

Mr. Subhajit Chowdhury

.....for the petitioner

Mr. Suman De

.....for the State

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

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

3. We have considered the materials on record. Although narcotics above commercial quantity was recovered from the petitioner he is in custody for two years and five months. Delay in the matter was due to non-submission of chemical report. Petitioner is not responsible for the delay. There is no possibility of trial concluding in near future. Under such circumstances we are inclined to grant bail to the petitioner.

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, Special Court under NDPS Act, Barrackpore, North 24-Parganas, subject to conditions 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.)