

02.02.2024

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Allowed

C.R.M.(NDPS) No. 132 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra Police Station Case No. 244 of 2020 dated 09.06.2020 under Sections 20(b)(ii)(c) of the NDPS Act.

And

In Re : Subrata Ray petitioner

Mr. Tapodip Gupta

Sk. Toslim Ali

Mr. Suman Bhanja

... for the petitioner

Mr. Binoy Panda

Mr. Asif Dewan

... for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and seven months. Trial has not commenced. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits delay in consideration of charge is due to non-availability of the co-accused.

3. We have considered the materials on record. Though allegations involve recovery of narcotics above commercial quantity we note petitioner is in custody for three years and seven months. Co-accused are on bail. Delay was due to non-submission of chemical report. Only in October, 2023 warrant of arrest came to be issued against Md. Mafizul Haque who was arrested soon thereafter. In this backdrop it cannot be said petitioner or co-accused was responsible for the delay. Delay is

inordinate and there is little possibility of trial concluding in the 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-cum-learned Additional District and Sessions Judge, 4th Court, Paschim Medinipore, subject to conditions 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.

5. In the event he 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)