

25.01.2024

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Allowed

C.R.M.(NDPS) No. 165 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. 479 of 2021 dated 27.06.2021 under Sections 21(c) of the NDPS Act.

And

In Re : Lala Rajbhar petitioner

Mr. Debasis Kar
Mr. Subhajit Chowdhury
... for the petitioner

Mr. Sujan Chatterjee
... for the State

1. Learned Counsel for the petitioner submits he is in custody for two years and six months. It is also submitted there is 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 3kgs. of codeine mixture was recovered from the possession of the petitioner we note that he had suffered incarceration for more than two years. Only two out of ten witnesses have been examined so far. There is little possibility of trial concluding in the near future. Delay is not attributable to the petitioner. 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 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.)