

05.02.2024.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 201 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No.13/NCB/KOL/2020 under Sections 20(b)(ii)(c)/29/35/54 of the NDPS Act.

In the matter of : **Upendra Rai.**

.... Petitioner.

Ms. Devi Priya Mitra.

...for the Petitioner.

Mr. Kallol Mondal,
Mr. Subrata Santra.

...for the NCB.

1. Petitioner is in custody for more than three years and seven months. He contends there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the bail prayer. He contends 1133.200 kgs. of ganja was recovered from a truck. Delay in the matter was due to abscondence of co-accused. He submits report. The same be kept on record.
3. We have considered the materials on record. Allegations are grave and any prayer for bail on merits would attract restrictions under Section 37 of the NDPS Act. On the score of delay, it is contended delay was caused due to abscondence of co-accused. But prompt steps were not taken by the prosecution to declare the said co-accused as absconders. Other accused who were in custody have been enlarged on bail by this Court. Petitioner stands on the same footing with the said co-accused and is entitled to similar relief.

4. Under such circumstances, we are inclined to release the petitioner on bail on parity.

5. Accordingly, the petitioner viz., **Upendra Rai** 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 N.D.P.S. Act, Howrah subject to condition 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 or commit similar offences in future.

6. 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.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)