

08.02.2024

6

sdas

Allowed

C.R.M. (NDPS) No. 207 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 701 of 2022 dated 24.05.2022 under Sections 22 (c)/29 of the N.D.P.S. Act and charge-sheet submitted under Section 22(c) of the NDPS Act.

And

In Re : Edel Sk. petitioner

Mr. Tapodip Gupta

Mr. Suman Bhanja

.....for the petitioner

Mr. Saryati Datta

.....for the State

1. Report is placed on record.

2. It appears from the report petitioner is suffering from Perianal Abscess with right perianal fistulous tract since 06.06.2023. He had been referred to surgical OPD, Medicine OPD at Murshidabad Medical College & Hospital, Berhampore, Murshidabad. He was also sent for Colonoscopy at SSKM Hospital, Kolkata. Subsequently on 19.01.2024 and 02.02.2024 he was sent for treatment for pain in upper quadrant of abdomen. After medication he is stated to be fit with medication.

3. The aforesaid facts show that the petitioner requires regular medication. His continued incarceration is causing hindrance to regular medication and follow-up action. He is in custody for one year and eight months but examination

of witnesses have not commenced. Though recovery is of 80 bottles of phensedyl syrup which is above commercial quantity, in view of his health condition and slow progress in trial petitioner has made out a case of inordinate delay in trial. Bail prayer of the petitioner on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Under such circumstances we are inclined to grant bail to the petitioner.

3. 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 Judge, 5th Court, Berhampore, Murshidabad, 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.

4. 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.

5. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

