

01.02.2024

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Allowed

C.R.M. (NDPS) No. 200 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rahara Police Station Case No. 114 of 2021 dated 24.03.2021 under Sections 20(b)/21(c)/29 of the N.D.P.S. Act.

And

In Re : Kartik @ Kartick Kirtaniya @ Sourav & Ors. petitioners

Mr. Debasis Kar

Mr. A. T. Bhadra

.....for the petitioners

Mr. Prasun Kumar Dutta, learned APP

Mr. Gautam Banerjee

.....for the State

1. Learned Counsel for the petitioners submits they are in custody for two years and ten months. It is also submitted there is slow progress in trial. They pray for bail.

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

3. We have considered the materials on record. Though narcotics above commercial quantity i.e. 74.600 kgs. of Ganja was recovered from the possession of the petitioner and co-accused it is relevant to note only two witnesses have been examined in full and 3rd witness has been examined in part till date. Petitioners had suffered incarceration for about three years. There is little possibility of trial concluding in the near future. Petitioners are not responsible for the delay. Keeping in mind the aforesaid facts we are of the opinion petitioners have

been able to make out a case for bail on the ground of delay in trial. Bail prayer of the petitioners on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, 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 petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their 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.)