

09.02.2024
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 220 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.01.2024 in connection with NCB Crime No.70 of 2021 dated 26.08.2021 under Sections 20(b)(ii)(c)/28/29 of the NDPS Act.

And

In Re: ***Prem Bin***

... .. Petitioner

Mr. Tapodip Gupta
Sk. Toslim Ali
Mr. Suman Bhanja

... .. for the petitioner

Mr. Arun Kumar Maiti
Mr. Pradyut Saha

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about two years and five months. It is further submitted there is inordinate delay in trial. Co-accused has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits report.
3. We have considered the materials on record including the report. Though 23 kgs. of *Ganja* was recovered from the petitioner, he has suffered incarceration for about two years and five months. Co-accused who suffered detention for more or less similar period has been enlarged on bail on the ground of delay in trial. Petitioner stands on the same footing with the said co-accused. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Prem Bin***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand

only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-Additional District & Sessions Judge, 3rd Court, Howrah subject to condition that the said 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 or commit similar offences in future.

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 automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)