

20.02.2024.
19.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 299 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.85 of 2021 arising out of Raiganj P. S. Case No.991 of 2021 dated 01.11.2021 under Sections 20(b)(ii)(c) of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : **Sujit Kr. Roy @ Sujit Roy.**
.... Petitioner.

Mr. Kaushik Choudhury.
...for the Petitioner.

Mrs. Amita Gaur.
...for the State.

1. Petitioner is in custody for more than two years and two months. Hence, he prays for bail on the ground of delay in trial.
2. Report is placed on record on behalf of the State.
3. We have considered the materials on record including the report. 51 kgs. of ganja was recovered from a vehicle. Petitioner is the owner of the vehicle. However, petitioner is in custody for more than two years and only six witnesses have been examined. Prosecution proposes to examine 21 witnesses. There is little possibility of trial concluding in the near future. Delay in the matter cannot be attributed to the petitioner.
4. Under such circumstances, we are of the opinion petitioner has been able to make out a case for bail on the ground of delay in trial. Bail prayer on the ground of delay in

trial is not fettered by restrictions under Section 37 of the NDPS Act as held in ***Rabi Prakash Vs. State of Odisha***¹.

5. Hence, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Sujit Kr. Roy @ Sujit Roy** 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, Raiganj, Uttar Dinajpur 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.

7. In the event petitioner fail 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.

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

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC OnLine SC 1109