

21.02.2024

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Allowed

C.R.M. (NDPS) No. 336 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Asansol North Police Station Case No. 196 of 2020 dated 12.08.2020 under Section 20(b)(ii)(c) of the N.D.P.S. Act.

And

In Re : Rahul Yadav @ Chintu petitioner

Sk. Salim

.....for the petitioner

Mr. Abhra Mukherjee

Ms. Mousumi Sarkar

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for three years and six months. It is also submitted there is inordinate delay in trial. Co-accused Ranjit Karmakar has been released on bail. He prays for bail.

2. Learned Counsel for the State produces case diary.

3. We have considered the materials on record. Though large volume of narcotics i.e. 330.45 kgs. of Ganja was recovered from the petitioner and co-accused viz. Ranjit Karmakar, the latter has been enlarged on bail on the ground of delay in trial. Petitioner is entitled to similar treatment and may be released on bail.

4. 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 Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman, 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 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)