

04.03.2024.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 424 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.52 of 2021 arising out of Khargram P. S. Case No.84 of 2021 dated 11.03.2021 under Sections 21(c) of the NDPS Act.

In the matter of : **Saranjit Singh @ Sarenjit Singh.**

.... Petitioner.

Mr. Kingsuk Mondal.

...for the Petitioner.

Mr. Sandip Chakraborty.

...for the State.

1. Petitioner is in custody for about three years. Trial has not concluded. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Though 10 ltrs. of codeine phosphate (above commercial quantity) was recovered from petitioner, he has suffered incarceration for about three years. Six out of ten witnesses have been examined. Delay in the matter is not attributable 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.

¹ 2023 SCC OnLine SC 1109

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

5. Accordingly, the petitioner viz., **Saranjit Singh @ Sarenjit Singh** 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, Berhampore, Murshidabad 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.

6. 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.

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

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)