

08.03.2024
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allowed

CRM(NDPS) No. 459 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No. 29 of 2022 dated 01.02.2022 under Sections 21(c)/29 of the NDPS Act.

And
In Re : Raj Halder petitioner

Mr. Navanil De
Mr. Srijan Ghosh
....for the petitioner

Mr. Bibaswan Bhattacharya
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is inordinate delay in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits four witnesses have been examined. Prosecution does not propose to examine fifteen witnesses as recorded in CRM (NDPS) 354 of 2024. In fact, five more witnesses are to be examined.

3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. He has not contributed to the delay. Co-accused Akash Jana has been enlarged on bail in CRM (NDPS) 354 of 2024. Even if the numbers of remaining witnesses to be examined is noted as five, there is no assurance of an early completion of bail. Accordingly, we are inclined to extend the same privilege to the petitioner.

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-Additional District & Sessions Judge, 3rd Court, Howrah, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)