

13.03.2024

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Allowed

C.R.M. (NDPS) No. 490 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 1444 of 2021 dated 02.12.2021 under Sections 20(b)(ii)(c) of the N.D.P.S. Act.

And

In Re : Laxmi Dhar Nayak & Anr. petitioners

Sk. Toslim Ali

.....for the petitioners

Ms. Sayanti Santra

.....for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Petitioners are in custody for two years and two months. There is inordinate delay in trial. Co-accused have been enlarged on bail on the ground of delay in trial. Petitioners are entitled to similar treatment.

3. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 District and Sessions Judge, 3rd Court, Howrah, on further condition that petitioners shall stay within the district of Howrah and shall provide address where they shall presently reside to the investigating

officer and learned court below and they shall report to the Officer-in-Charge of Sankrail Police Station once in a week until further orders. Petitioners 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.

4. In the event petitioners fail to appear before the trial court without any justifiable cause, trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)