

15.03.2024.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 514 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.152 of 2021 arising out of Raghunathganj P.S. Case No.397 of 2021 dated 24.07.2021 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : **Biswajit Debnath.**

.... Petitioner.

Ms. Shabana Hasin,
Ms. Neha Roy,
Ms. Samina Akter Banu.

...for the Petitioner.

Mrs. Sonali Das.

...for the State.

1. Petitioner is in custody for two years and seven months. There is delay in trial. Co-accused viz., Krishna Barman has been enlarged on bail on the ground of delay. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits five witnesses have been examined.
3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Five witnesses have been examined. Seven more witnesses are proposed to be examined. Co-accused viz., Krishna Barman has been enlarged on bail on the ground of delay. There is little possibility of trial concluding in the near future.
4. Under such circumstances, we are inclined to extend the same privilege to the petitioner also.
5. Accordingly, the petitioner viz., **Biswajit Debnath** 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-cum- ADJ, 5th Court, at 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.)