

16.04.2024
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 573 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.03.2024 in connection with NDPS Case No.36 of 2021 arising out of NCB Crime No. 66/NCB/KOL/2021 dated 31.07.2021 under Sections 8(c)/20(b)(ii)(A)/22(c)/23/29 of the NDPS Act.

And

In Re: **Sudhir Kumar**

... .. Petitioner

Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Ritushree Banerjee
Ms. Sanghamitra Mridha

... .. for the petitioner

Mr. Arun Kumar Maiti
Mr. R. R. Mohanty

... .. for the NCB

1. It is submitted on behalf of the petitioner that he is in custody for about two years and eight months. It is further submitted there is inordinate delay in trial. Co-accused viz. Sadiq Vali @ RAX has been enlarged on bail. Accordingly, he prays for bail.
2. Learned Advocate for the NCB opposes the prayer for bail and submits three witnesses have been examined. PW 4 is being examined. On the last occasion i.e. 10.04.2024 the witness could not be examined due to a resolution by lawyers not to participate in judicial proceeding.
3. In rebuttal, learned Advocate for the petitioner submits witness was not present on that day.
4. We have considered the materials on record. Though allegations involve recovery of narcotics i.e. 2500 LSD bots weighing 45.60 gms. from co-accused viz. Dhiraj Kumar, petitioner is in custody for more than two years. Three witnesses have been examined till date. Prosecution proposes to examine eleven witnesses in all. There is

little possibility of trial concluding in the near future. On the score of delay in trial, co-accused viz. Sadiq Vali @ RAX has been enlarged on bail. Petitioner stands on the same footing with the said co-accused. Hence, we are inclined to extend the same privilege to the petitioner also.

5. Therefore, the accused/petitioner, namely **Sudhir Kumar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act, Bench-I, City Sessions Court, Calcutta 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.
6. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)