

08.04.2024.  
10.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (NDPS) 611 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.51 of 2019 arising out of Swarupnagar P.S. Case No.97 of 2019 dated 28.02.2019 under Section 21(C) of the NDPS Act.

In the matter of : **Panchu Paul @ Khetkurani @ Pal.**  
.... Petitioner.

Mr. Angshuman Chakraborty,  
Mr. S. S. Saha.  
...for the Petitioner.

Mr. Rana Mukherjee,  
Mr. Shiladitya Banerjee,  
Ms. Purnima Ghosh.  
...for the State.

1. Petitioner is in custody for more than five years. He submits there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. 5.5 ltrs. of codeine mixture was recovered from petitioner. However, he is in custody for more than five years. Only two out of eleven witnesses have been examined. Petitioner is not responsible for the delay. There is little possibility of trial concluding in the near future.
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***<sup>1</sup>

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

6. Accordingly, the petitioner viz., **Panchu Paul @ Khetkurani @ Pal** 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, Barasat, North 24-Paraganas 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.

7. 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.

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

**(Prasenjit Biswas,J.)**

**(Joymalya Bagchi, J.)**

---

<sup>1</sup> 2023 SCC OnLine 1109