

18.04.2024.
21.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 674 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.44 of 2019 arising out of STF Kolkata P.S. Case No.40 of 2019 dated 07.11.2019 under Section 22(C)/29 of the NDPS Act.

In the matter of : **Indrajit Das @ Bappa.**

.... Petitioner.

Mr. Tapodip Gupta,
Sk. Toslim Ali,
Mr. Suman Bhanja.

...for the Petitioner.

Ms. Sayanti Santra,
Ms. Sonali Bhar.

...for the State.

1. Petitioner is in custody for four years and five months. He submits there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits report. From the report it appears one witness has been examined in part.
3. We have considered the materials on record. Though allegations involve recovery of 11.432 kgs. of amphetamine i.e. yaba tablets, petitioner is in custody for four years and five months. Inspite of protracted incarceration, only one witness has been examined in part. Delay is not attributed to the defence. 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***¹

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

6. Accordingly, the petitioner viz., **Indrajit Das @ Bappa** 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, Bench-I, City Sessions Court (Special Judge under the N.D.P.S. Act), Calcutta 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 and on further condition petitioner while on bail shall meet the Officer-in-charge, STF Police Station, Kolkata once in a week until further orders.

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.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)

¹ 2023 SCC OnLine 1109

