

19.04.2024.
11.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 681 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.64 of 2019 arising out of Habra P.S. Case No.120 of 2019 dated 20.03.2019 under Section 21(C)/29 of the NDPS Act.

In the matter of : **Subrata Halder @ Raju.**

.... Petitioner.

Mr. Susnigdho Bhattacharyya,
Ms. Bidisha Chakraborty,
Mrs. Santa Bhattacharyya.

...for the Petitioner.

Ms. Subhasree Patel.

...for the State.

1. Petitioner is in custody for more than five years. He submits there is slow progress in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends three witnesses have been examined.
3. We have considered the materials on record. Though allegations involve recovery of 5 ltrs. of codeine mixture from petitioner, he is in custody for a protracted period of time. In spite of protracted incarceration, only three out of twelve witnesses have been examined. Delay in the matter is not attributable 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., **Subrata Halder @ Raju** 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 NDPS 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 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