

30.05.2024
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sl no. 35

C.R.M. (NDPS) 891 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dum Dum P.S case no. 339 of 2022 dated 4.5.2022 under section 21(c) of the NDPS Act
and

Allowed

In Re : Raju Pande

..... petitioner

Mr. D Kar

Mr. Arka Tilak Bhadra

..... for the petitioner

Mr. Suman De

Mr. Abhinaba Mukherjee

..... for the State

1. Learned advocate for the petitioner submits that the prosecution has relied upon seven witnesses in the charge- sheet. However, till date none of the witnesses have been examined and the petitioner is in custody for more than 24 months.

2. Learned advocate for the State opposes the prayer of bail on the ground that the Presiding Officer was not present and only on five occasions the witnesses did not appear before the court. The question of liberty do not point out to systemic delay or delay caused by the prosecution.

3. Having regard to the period of detention of the present petitioner and the fact that there is no possibility of the trial being concluded in the near future, we are inclined to grant bail to the petitioner.

4. Accordingly, the petitioner 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 NDPS Act Barrackpore, North 24 Parganas/ACJM Barrackpore, North 24 Parganas on condition

that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall not commit similar offences in future. Petitioner shall not leave the district of North 24 Pargans without the leave of the learned trial court.

5. In the event he fails to appear before the trial court without any justifiable cause, trial court shall be at liberty to cancel his bail without reference to this court.

6. The application being CRM (NDPS) 891 of 2024 is disposed of.

7. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this court.

(Biswaroop Chowdhury, J.)

(Tirthankar Ghosh, J.)