

09.
Court
No.28

30.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1131 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **NCB Crime No. 60/NCB/KOL/2017** under Section **8(c)** read with Sections **20b(ii)(c)/22/29** of the NDPS Act, 1985. NDPS Case No. 140/2017.

And

In the matter of: - **Henry Lawrence Manna @ Pedro**

...petitioner.

Mr. Arpan Saha (VC)

...for the petitioner.

Mr. Anirban Mitra

Mr. Sagar Saha

...for NCB.

Dictated by Arijit Banerjee, J.

1. Report filed by Narcotics Control Bureau (NCB) be kept with the records.
2. We are told that the 4th prosecution witness is scheduled to be examined on September 7, 2024. There are 16 charge-sheet named witnesses. There is no possibility of an early conclusion of the trial. The petitioner is in custody for more than six years and five months. He prays for bail.
3. Unless the facts are very special, an under-trial can normally not be detained in custody for such a long period of time. This would be in complete abrogation of a citizen’s fundamental right to personal liberty and speedy trial.
4. Considering the length of the petitioner’s detention and without making any comment on the merits of the case, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Henry Lawrence Manna @ Pedro** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand) 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, 12th Court, Alipore, South 24-Parganas, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the Municipal limits of Kolkata and shall also deposit his passport, if there be any, with the Trial Court before his release from the Correctional Home.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (NDPS) 1131 of 2024 is accordingly disposed of.
8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)