

01.8.2024
Ct. No. 6
SL No. 23
SB

C.R.M. (NDPS) 1164 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gazole** P.S. Case No. 258 of **2022** dated 10.4.2022 under Sections 22(C)/ 23(C)/27-A/29 of NDPS Act.

And

In the matter of: Rajib Mondal

Mr. Anirban Mitra

Mr. Amit Halder ...for the Petitioner

Mr. Shekhar Barmanfor the State

1. Petitioner is in custody for over two years. He submits there is delay in trial. He prays for bail.
2. Learned counsel appearing for the State contends four witnesses have been examined.
3. We have considered the materials on record. Though a large volume of phensedyl syrup was recovered from the petitioner he is in custody for over two years. Only four out of seven witnesses have been examined. There is no possibility of trial concluding in near future.
4. Under such circumstances, petitioner has made out a case for bail on the ground of inordinate delay in trial. Accordingly, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 Additional District Judge, 4th Special Court, Malda subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

6. 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 without any further reference to this Court.

7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)