

01.8.2024
Ct. No. 6
SL No. 25
SB

C.R.M. (NDPS) 1174 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Berhampore** P.S. Case No. 271 of **2022** dated 03.3.2022 under Sections 21(c) of NDPS Act.

And

In the matter of: Haripada Kirtaniya

Mr. Debanshu Ghorai
Mr. Anisur Rahman ...for the Petitioner

Ms. Anasuya Sinha
Mr. Shiladitya Banerjeefor the State

1. Petitioner is in custody two years and four months. He submits there is delay in trial. He prays for bail.
2. Learned counsel appearing for the State opposes the prayer for bail.
3. We have considered the materials on record. Though petitioner is in custody for more than two years, no witness has been examined. As there is no possibility to conclude the trial in the near future we are inclined to grant bail to the petitioner.
4. 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 Sessions Judge, 5th Court, Murshidabad at Berhampore 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.

5. 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.
6. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)