

39. 06.08.2024
Court
No.6 (Tanmoy)

Allowed

CRM (NDPS) 1184 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, in connection with **New Barrackpore** Police Station Case No. **101/2022**, dated **07.4.2022** under Sections **20(b)(ii)(c)** of the NDPS Act, 1985.

And

In the matter of: - **Balai Roy**

...petitioner.

Mr. Debasis Kar

...for the petitioner.

Mr. Prasun Kr. Dutta, APP

Ms. Poulami Bose

...for the State.

1. Petitioner is in custody for two years and four months.
Charge has not yet been framed.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Allegations involve recovery of 20.600 Kgs. of ganja. Petitioner is in custody for considerable period of time. Charge has not yet been framed.
4. Under such circumstances, we are of the opinion petitioner has made out a case of inordinate delay in progress of trial. Bail prayer of the petitioner on this score is not fettered by the restrictions under Section 37 of the NDPS Act.
5. Accordingly, we direct the petitioner, namely, **Balai Roy** 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 NDPS Act, Barrackpore, North 24 Parganas subject to 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 the 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.)