

39
19-08-2024
(ct. no.28)
S. De
Allowed

CRM (NDPS) 1196 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Gaighata Police Station** Case No. **131** of **2023** dated **12.02.2023** under Sections **21(C)/29** of the Narcotic Drugs & Psychotropic Drugs (NDPS) Act.

- A n d -

In the matter of : Prosenjit Biswas.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashankha Sekhar Saha,

... For the Petitioner.

Mr. Sekhar Barman,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Allegedly, fifty bottles of Phensedyl Syrup was seized from this petitioner. He says that he is in custody for 1 year 7 months. Not a single witness has been examined out of 12 charge-sheet named witnesses. On the ground of delay, he renews his prayer for bail which was rejected earlier on December 19, 2023. He further says that since the rejection of his prayer, the only thing that has happened is framing of charges on April 20, 2024.
2. While opposing the prayer for bail, learned advocate for the State says that September 9, 2024, has been fixed as the date for examination of witnesses. All efforts will be made to expedite the trial and conclude the same on an early date.
3. Having considered the facts and circumstances of the case, the material-on-record and that there are 12 witnesses who may have to be examined, we see that there is no possibility of the trial coming to an early conclusion. The petitioner has already been in incarceration for 1 year 7 months.

4. Solely, on the ground of delay in progress of trial, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Prosenjit Biswas** shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court under the NDPS Act, Barasat at North 24-Parganas and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**