

C.R.M. (NDPS) 1217 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Uluberia** P.S. Case No. 225 of **2020** dated 10.9.2020 under Sections 20(b)(ii)(c) of the N.D.P.S. Act

And

In the matter of: Gautam Sengupta @ Mithu @ Goutam Mondal

Mr. Swapan Kr. Mallick
Mr. Abhinaba Mukherjee ... for the petitioner

Mr. Prasun Dutta
Ms. Debjani Dasguptafor the State

1. Petitioner is in custody nearly for four years. He contends there is no possibility of trial concluding in near future. Co-accused has been enlarged on bail. He renews his bail prayer.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Primarily on the ground that order of this Court directing expeditious disposal have not been communicated to the learned Trial Court.
4. Be that as it may, trial has not progressed considerably and co-accused has been enlarged on bail.
5. Under such circumstances, we are inclined to extend the same privilege to the petitioner.
6. 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 Judge, Special Court, under NDPS Act, Howrah 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)