

58. 19.08.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1229 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 **Raiganj** Police Station Case No. **938/2020**, dated **19.11.2020** under Sections **21(b)/22(b)/27/29** of the NDPS Act, 1985.
And

In the matter of: - **Raja Majumder**

Ms. Jiya Bose ...petitioner.
Mr. Debabrata Chatterjee ...for the petitioner.
Ms. Sujata Das ...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been languishing in judicial custody for 11 months. He has been falsely implicated in this case due to political grudge. As there is no chance of early conclusion of the trial, he may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail. According to her, there are criminal antecedents of the present petitioner.
3. We have considered the materials on record. The accused had absconded for more than three years and thereafter Police nabbed him. After going through the materials on record we find that charge-sheet was submitted on January 15, 2021

but till date charge has not been framed. However, considering the materials on record we find that there is no chance of early conclusion of the trial.

4. Hence, only 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, **Raja Majumder** shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) 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, Raiganj, Uttar Dinajpur, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the geographical limits of the district of Uttar Dinajpur and shall report to the Officer-in-Charge, Raiganj Police Station once in every week until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (NDPS) 1229 of 2024 is accordingly disposed of.

8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)