

C.R.M. (NDPS) 1240 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended / under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Baishnabnagar** P.S. Case No. 463 of **2023** dated 19.7.2023 under Sections 21(c) / 25/27(A)/29 of the N.D.P.S. Act

And

In the matter of: Mosaraf

Mr. Tapodip Gupta ... for the petitioner

Mr. Prasun Kr. Dutta

Mr. Subhajit Chowdhuryfor the State

1. Petitioner is in custody for more than a year. 400 bottles of phensedyl syrup containing codeine phosphate was recovered from his possession. Charge has is yet to be framed.
2. Under such circumstances, we are of the opinion, petitioner has made out a case for bail on the ground of inordinate delay in trial and bail prayer on the ground of delay is not restricted under Section 37 of the N.D.P.S. Act.
3. 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, Additional District Judge, 4th Court, Malda 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.
4. 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.
5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)