

01. 20.09.2024
Court
No.238 (Tanmoy)

Allowed

CRM (NDPS) 1261 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 **Muchipara** Police Station Case No. **141/2020**, dated **20.7.2020** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Parimal Roy @ Parimal Ray @ Parimal Halder**

...petitioner.

Mr. Navanil De
Mr. Srijan Ghosh

...for the petitioner.

Mr. Sujan Chatterjee

...for the State.

1. Petitioner is in custody for over four years. He submits there is slow progress in trial. He renews his prayer for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits a report with regard to the status of the proceeding.
3. We have considered the materials on record. 606 grams of heroin was recovered from the petitioner and co-accused. Bail prayer of the petitioner was rejected earlier on April, 5, 2023 in CRM (NDPS) 651 of 2023, when trial was directed to be expedited but till date only three out of eight witnesses have been examined. There is no possibility of the trial concluding in near future.
4. Balancing the period of detention suffered by the petitioner on one hand and the inordinate delay in trial infracting the fundamental right of the petitioner under Article 21 of the Constitution of India on the other, we are of the opinion

petitioner has made out a case for bail. 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, **Parimal Roy @ Parimal Ray @ Parimal Halder** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, City Sessions Court, under NDPS Act, Calcutta, 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.)