

12.8.2024
Ct. No. 6
SL No. 37
SB

C.R.M. (NDPS) 1267 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of B.N.S.S. Act, in connection with **Goalpokher** P.S. Case No. 225 of **2022** dated 24.6.2022 corresponding to SPL NDPS Case No. 53 of 2022 under Sections 21(c) / 29 of the N.D.P.S. Act

And

In the matter of: Amit Mitra @ Raju

Sk. Toslim Ali

... for the petitioner

Mr. Sandip Chakraborty

Mr. Soham Dey Dhara

... for the State

1. Petitioner is in custody for more than two years. He submits there is delay in trial. He prays for bail.
2. Learned lawyer for the State contends two witnesses have already been examined.
3. We have considered the materials on record. Though allegations involved recovery of 2000 bottles of phensedyl syrup containing codeine phosphate about commercial quantity, we note trial has not progressed with appreciable speed. Only two out of seven witnesses have been examined. Petitioner is in detention for more than two years. There is little possibility of trial concluding in near future.
4. Under such circumstances, we are of the opinion petitioner has been made out a case for bail on the ground of delay in trial. Bail prayer of the petitioner is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
5. Under such circumstances, we are of the opinion petitioner has been able to rebut the statutory restrictions under Section 37 of the NDPS Act and may be released on bail.
6. Accordingly we direct petitioner shall be released on bail of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions

Judge, 1st Court (Special Court NDPS Act) at Raiganj, Uttar
Dinajpur 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.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)