

12.8.2024
Ct. No. 6
SL No. 35
SB

C.R.M. (NDPS) 1265 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 **Nimta** P.S. Case No. 205 of **2022** dated 04.4.2022 under Sections 21(c) of the N.D.P.S. Act

And

In the matter of: Rathindra Chakraborty @ Buro

Mr. Debasis Kar

Ms. Jagori Mitra

... for the petitioner

Mr. P.K. Datta

Ms. Suveni Banerejee

... for the State

1. Petitioner is in custody for two years and four months. He submits there is delay in trial. He prays for bail.
2. Learned lawyer for the State submits date has been fixed for examination of witnesses.
3. We have considered the materials on record. It is alleged 1.5 kg. of codeine mixture was recovered from the petitioner. But he is in custody for two years and four months and no prosecution witness has been examined. This shows slow progress in trial which entitles petitioner to bail on the ground of delay. Bail prayer of the petitioner on the score of delay is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
4. Under such circumstances, we are of the opinion petitioner may be released on bail.
5. 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 Judge, Special Court under NDPS Act, Barrackpore 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.

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 his bail without any further reference to this Court.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)