

4.
22-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1268 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NCB Crime No.22/NCB/Kol/2019 under Section 8(c) read with Sections 21(c)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Kamlesh Manjhi @ Kamlesh Majhi
.... Petitioner.

Mr. Sujoy Sarkar,
Mr. Mushraf Alam,
Ms. Sneha Srivastava

... For the Petitioner.

Mr. Pinaki Bhattacharyya,
Mr. Somnath Adhikary

... For NCB.

Dictated by Arijit Banerjee, J.

Let the order dated August 19, 2024 be corrected by recording the appearance of Mr. Pinaki Bhattacharyya, learned advocate, in the place of Mr. Gouranga Kumar Das, learned advocate, for NCB.

Department is directed to incorporate this correction in the order dated August 19, 2024.

The petitioner claims parity. He cites an order dated July 16, 2024 passed by this Bench in CRM (NDPS) 999 of 2024 granting bail to a co-accused person. He says that he stands on the same footing as that person.

Learned advocate for NCB disputes the submission made on behalf of the petitioner.

We find that we had granted bail to the other accused person on the ground of delay in progress of trial. The petitioner is in custody for close to five years. Only one out of six witnesses has been examined. It is anybody's guess that at this stage, when the trial would conclude.

Keeping in mind the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial, only the ground of delay in trial, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Kamlesh Manjhi @ Kamlesh Majhi**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, 3rd Special Court under NDPS Act, Malda. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1268 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)