

CRM (NDPS) 1302 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raghunathganj Police Station** Case No. **313 of 2022** dated **10.05.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Prahlad Mahar

.... Petitioner.

Mr. S. Bose Roychowdhury,
Mr. A. Rahaman,

... For the Petitioner.

Mrs. S. Patel,
Mrs. Trisha Rakshit,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Advocate for the petitioner submits that the petitioner is in custody for about two years and three months and no witness has been produced from the side of the prosecution. Considering the period of detention and failure of the State to produce witnesses during the first schedule of the evidence, he may be granted bail on any condition.

2. Learned Advocate for the State opposes the prayer for bail. According to her the delay, if any, cannot be attributable to the prosecution since there are other systemic delays in proceeding with the case.

3. We have considered the materials in the case diary. In view of the petitioner's detention in custody for a period of two years and three months, we are inclined to say that the fundamental right of the petitioner to personal liberty and speedy

trial cannot be undermined at any cost and keeping in mind the same, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Prahlad Mahar**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Berhampore, Murshidabad and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 whatsoever.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**