

13.9.2024
Ct. No. 6
SL No. 34
SB

C.R.M. (NDPS) 1370 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the B.N.S.S. Act 2023 in connection with **Hastings** P.S. Case No. 23 of 2023 dated 07.2.2023 under Sections 20(b)(ii)(c) of the N.D.P.S. Act.

And

In the matter of: Anil Tiwari

Mr. Raja Mukherjee ... for the petitioner

Mr. Subhamay Bhattacharyya

Mr. Akash Ganguly ...for the State

1. Heard the learned advocates for the parties.
1. Petitioner is in custody for one year and seven months. Trial is progressing at a slow pace. Only two out of six witnesses have been examined.
2. Keeping in mind the aforesaid fact, we are of the opinion, petitioner is entitled to 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.
3. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, NDPS Court, City Sessions Court, Bichar Bhaban 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.
4. 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.

5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)