

13.09.2024
Sr. No. 37
Ct. No. 6.
AB
(Allowed)

C.R.M. (NDPS) 1472 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Goalpokher Police Station Case No.360 of 2022 Dated 23.09.2022 under Section 21C of the NDPS Act

In the matter of : **Indrajit Roy**

....Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja For the Petitioner.

Mr. Bibhaswan Bhattacharya,
Ms. Sudeshna Das For the State.

1. Heard learned Advocates for the parties.
2. Petitioner is in custody for about two years. He submits there is slow progress in the trial. He prays for bail.
3. Learned lawyer for the State opposes the prayer for bail and submits that petitioner and co-accused absconded which delayed the trial.
4. We have considered the materials on record. Petitioner is in custody for about two years. Only 1 out of 9 witnesses has been examined till date. Petitioner was not responsible for the delay in trial.
5. Under such circumstances, we are of the view that the petitioner has been able to make out a case for bail on the ground of delay in trial. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

6. Accordingly, the petitioner, namely, **Indrajit Roy** 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 Judge, Special Court under the NDPS Act at Raiganj, Uttar Dinajpur, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.
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 in accordance with law without further reference to this Court.
8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)