

CRM (NDPS) 1528 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Burdwan Police Station Case No. 552 of 2022** dated **26.05.2022** under Section **21(c)** of the NDPS Act.

- A n d -

In the matter of : Lal Chand Gupta

.... Petitioner.

Mr. Soymyajit Das Mahapatra,
Mr. Palash Bapari,
Ms. Madhuri Sinha,

.... For the petitioner.

Mr. Anand Keshri,
Mr. Kanchan Roy,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for two years four months. Only 1 out of 8 charge sheet named witnesses has been examined. On the ground of delay in progress of trial, he prays for bail.
2. Opposing the prayer for bail, learned State Advocate says that 1300 grams of codeine mixture was recovered from the exclusive possession of this petitioner, who is the sole accused person. The next schedule is fixed on November 27, 28 and 30, 2024. Learned Advocate says that a time frame may be fixed within which the trial should be concluded.
3. We are not inclined to fix any time schedule. In view of the lengthy incarceration of the petitioner and seeing that an early conclusion of the trial is highly unlikely, we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Lal Chand Gupta**, 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, Purba Bardhaman subject to condition that he shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that 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 in a fortnight, until further orders.
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.)