

05.11.2024
tkm/ct 28
sl no. 45

C.R.M. (NDPS) 1543 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Liluah PS case no. 130 of 2022 dated 2.4.2022 under sections 20(b)(ii)(c)/29 of the NDPS Act

And

Allowed

In Re : Sumit Kumar Thakur @ Suit Kumar Thakur & Anr.
... petitioners

Mr. Ashok Das
..... for the petitioners

Mr. Soumik Ganguly
Ms. Dhanasree Biswas
..... for the State

1. Petitioners are in custody for more than two years. They contend inspite of direction given by this court in CRM (NDPS) 740 of 2024 to consider the issue of framing of charge preferably within two months, charge has not yet been framed. There is no possibility of trial concluding in the near future. Accordingly they pray for bail.
2. Learned lawyer for the State submits report.
3. We have considered the materials on record. 107.46 kgs of narcotics was recovered from a vehicle. Petitioners were present in the vehicle. Bail prayer of co-accused was turned down in May 2024 and direction was given for consideration of framing of charge preferably within two months. Report shows charge has not yet been framed till date. Under such circumstances petitioners have made out a case for inordinate delay in trial which entitles them to bail. Bail prayer on the ground of delay is not fettered by restrictions under sections 37 of the NDPS Act.

Reference in this regard may be made to *Rabi Prakash vs. The State of Odisha*¹

4. Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Special Judge under NDPS Act Howrah on condition that the petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that petitioners while on bail shall remain within the district of Howrah and provide address where they shall reside to the investigating agency and court below and report to the Officer-in-Charge of Liluah P.S once a week until further orders.

5. In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

6. The application being CRM (NDPS) 1543 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ 2023 SCC OnLine SC 1109