

06.11.2024
sdas/tkm/ct 28
sl no. 52

C.R.M. (NDPS) 1558 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Baishnabnagar PS case no. 16 of 2023 dated 8.1.2023 under sections 21(c)/29 of the NDPS Act

And

Allowed

In Re : Chandra Sekhar Mondal @ Chandra Shekhar Mandal
@ Bapan Mandal ... petitioner

Mr. Tapodip Gupta

..... for the petitioner

Mr. Joydep Roy
Ms. Jonaki Saha

..... for the State

1. Petitioner is in custody for about two years. He submits there is delay in trial. He prays for bail.
2. Learned lawyer for the State produces case diary.
3. We have considered the materials on record. Petitioner is in custody for about two years. Four out of ten witnesses have been examined. There is little possibility of trial concluding in the near future.
4. Petitioner has 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
5. Accordingly, the petitioner 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 NDPS Act Malda on condition that the petitioner shall appear before the trial court on every date of

¹ 2023 SCC OnLine SC 1109

hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

7. The application being CRM (NDPS) 1558 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)