

07.11.2024.
44.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1568 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NCB Crime No.71/NCB/KOL/2021 dated 24.09.2021 under Sections 8(C)/20(b)(ii)(C)/25/29 of the NDPS Act.

In the matter of : **Kalu Charan Gouda @ Kalu Charan Gounda.**

	 Petitioner.
Sk. Toslim Ali.	
	...for the Petitioner.
Mr. Brajesh Jha.	
	...for the UOI.

1. Petitioner is in custody for three years and two months. He submits trial has not concluded. Accordingly, he renews his bail prayer.
2. Learned Advocate for the Union of India opposes the bail prayer. He submits report.
3. We have considered the materials on record. 32 kgs. of ganja was recovered from petitioner. He is in custody for a considerable period. On earlier occasion, a Co-ordinate Bench in CRM (NDPS) 933 of 2024 directed trial to be concluded by 30th September, 2024. However, witness action is still in progress. There is little possibility of trial concluding in the near future.
4. Under such circumstances, we are of the opinion 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 as held in ***Rabi Prakash Vs. State of Odisha***¹

5. Hence, we are inclined to grant bail to the petitioners.

6. Accordingly, the petitioner viz., **Kalu Charan Gouyda @ Kalu Charan Gounda** 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, Howrah 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.)

¹ 2023 SCC OnLine 1109