

06.11.2024
sdas/tkm/ct 28
sl no. 56

C.R.M. (NDPS) 1623 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Raniganj PS case no. 293 of 2022 dated 20.5.2022 under sections 20(b)(ii)(c)/25/29 of the NDPS Act
And

Allowed In Re : Mahendra Bhagat ... petitioner

Mr. U S Chattopadhyay
Mr. R Tah
Ms. Trisha Rakshit
Ms. A Datta

..... for the petitioner

Mr. Suman De
Mr. Sachit Talukdar

..... for the State

1. Petitioner is in custody for more than two years. He submits co-accused have been enlarged on bail. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits co-accused are absconding. Recovery was made pursuant to the leading statement of the petitioner from other accused.
3. We have considered the materials on record. Petitioner is in custody for a considerable period of time. Examination of witnesses has not yet commenced. Prosecution proposes to examine 24 witnesses. There is no possibility of trial concluding in the near future. Petitioner has made out a case for inordinate delay in trial which entitles him 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 petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount

¹ 2023 SCC OnLine SC 1109

each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act cum Additional District Sessions Judge, 3rd Court, Asansol Paschim Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. 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.

6. The application being CRM (NDPS) 1623 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)