

13.11.2024

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Allowed

C.R.M. (NDPS) No. 1734 of 2024

In Re:- An application for bail under Section 483 of BNSS in connection with Kaliganj Police Station Case No. 805 of 2022 dated 21.12.2022 under Sections 20(b)/25/29 of the N.D.P.S. Act.

In Re : Dilip Roy & Anr. And
. petitioners

Mr. Joy Chakraborty
Mr. Sandip Dinda
.... for the petitioners

Mr. Sudip Kumar
Mr. Debarshi Brahma
.... for the State

1. Learned Counsel for the petitioners submits they are in custody for about two years. There is delay in trial. Accordingly, they pray for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Though 80.4 Kgs. of Ganja was recovered from the petitioners but trial has progressed at a slow pace. Only four out of ten witnesses have been examined till date. Petitioners are in custody for about two years. Further detention would amount to breach of their fundamental right to speedy trial and they are entitled to bail. Under such circumstances, petitioners have made 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. Hence, we are inclined to grant bail to the petitioners.

4. Accordingly, we direct that the petitioners shall 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 Judge, Special Court under NDPS Act, Krishnanagar, Nadia, subject to condition that petitioners 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.

5. In the event petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109