

CRM (NDPS) 1756 of 2024

In Re: - An application for bail under Section 483 of the B.N.S.S. 2023 in connection with Special Task Force P.S. Case No. **20 of 2020** dated 22.8.2020 under Sections 21(c)/29 of N.D.P.S. Act.

And

In the matter of: Agan Pal

Mr. Joy Chakraborty

Mr. Sandip Dinda

Ms. Ipsita Ghosh

... for the petitioner

Mr. Suman De

Mr. P. Bhattacharyya

...for the State

1. Petitioner is in custody for over four years. There is delay in trial. He prays for bail.
2. Learned lawyer appearing for the State submits delay was due to application preferred by the petitioner for further cross-examination of witnesses and other reasons not attributable to the prosecution.
3. We have considered the materials on record. Bail prayer was rejected earlier on merits. However, he is in custody for a protracted period of time. Even if, one discounts the delay caused due to the prayer for further cross-examination of prosecution witnesses, no explanation is forthcoming why inspite of lapse of four years, trial has not concluded. There is little possibility of the trial concluding in the near future.
4. Under such circumstances, we are inclined to grant bail to the petitioner. Bail prayer on the ground of delay is not fettered by restrictions under Section 37 of the NDPS Act. Reference in this regard may be made to *Rabi Prakash Vs. State of Odisha*.¹
5. Accordingly, we direct that in the event of arrest the petitioner 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 learned Judge, Bench –I, NDPS Act, City Sessions Court, Calcutta, subject to condition that petitioner shall appear before the learned Trial Court on every date of hearing until further order and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

¹ (2023) SCC Online SC 1109

6. 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 prayer in accordance with law without further reference to this Court.
7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)