

14.11.2024
tkm/ct 28
sl no. 56

C.R.M. (NDPS) 1747 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with NCB Crime NO. 18/NCB/KOL/2023 dated 13.5.2023 under sections 8(c)/20(b)(ii)(c)/25/29 of the NDPS Act
And

Allowed

In Re : Tinku Sekh

... petitioner

Mr. Toslim Ali

..... for the petitioner

Mr. Krishnendu Bhattacharya

Mr. Priyankar Ganguly

..... for the NCB

1. Petitioner is in custody for more than a year. He submits there is delay in trial. He prays for bail on the ground of delay.
2. Learned lawyer for the NCB submits delay is due to abscondence of co-accused.
3. We have considered the materials on record. Petitioner is in custody for more than a year. Though it is contended co-accused is absconding, no steps have been taken till date to declare him a proclaimed offender and proceed with the trial of the arrested accused. In view of such recalcitration we are of the opinion petitioner has made out a case of 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 each, one of whom must be local to the satisfaction of the learned Judge, Special Court under NDPS Act Howrah on condition that

¹ 2023 SCC OnLine SC 1109

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 and on further condition that the petitioner while on bail shall remain within the district of South 24 Parganas except for attending court proceeding.

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) 1747 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)