

13.12.2024
Pritam/ct 28
sl no. 07.

C.R.M. (NDPS) 1828 of 2024

In Re : An application for bail under section 483 of the BNSS 2023 in connection with Englishbazar PS case No.765 of 2021 dated 06.07.2021 under sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

Allowed

In Re : Babun Mandal petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,
Ms. Ipsita Ghosh

..... for the petitioner.

Mr. Joydeep Biswas

..... for the State.

1. Petitioner is in custody for more than three years.
2. It is submitted that there is delay in trial.
3. He prays for bail.
4. Learned lawyer for the State opposes the prayer.
5. We have considered the materials on record. Though 201.486 Kgs. of cannabis (ganja) was recovered from a vehicle, petitioner is in custody for a considerable period. Only one witness has been examined till date.
6. There is little possibility of trial concluding in the near future.
7. Under such circumstances, petitioner has made out a case of bail on the ground of delay in trial.
8. Bail prayer on the ground of delay is not restricted by fetters under Section 37 of the NDPS Act.
9. 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

Additional District & Sessions Judge, Special 3rd Court (NDPS Act),
Malda 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.

10. 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.

11. The application being CRM (NDPS) 1828 of 2024 is disposed
of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)