

C.R.M. (NDPS) 1839 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended /under Section 483 of the Bharatiya Nagarik Surksha Sanhita, 2023, in connection with **NCB Crime No.71/NCB/KOL/2021** dated **24.09.2021** under **Sections 8(C)/20(b)(ii)(C)/25/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Mritunjay Behera.**

Sk. Toslim Ali, ...for the Petitioner

Mr. Rishav Kumar Thakur,for the NCB.

1. Report is placed on record.
2. We have heard learned counsel for the parties.
3. Petitioner is in custody for more than 3 years. There is delay in trial.

Under similar circumstances co-accused Kalu Charan Gouda has been enlarged on bail. Petitioner is entitled to similar relief.
4. Accordingly, we direct the petitioner namely, **Mritunjay Behera** 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 the learned Judge, Special Court (under NDPS Act), Howrah, subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future.
5. 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 without any further reference to this Court.
6. The application for bail is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)