

C.R.M. (NDPS) 1872 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 **Nabagram Police Station Case No.103 of 2023** dated **23.03.2023** under **Sections 22(c)/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Sukdeb Mishra.**

Mr. Tapodip Gupta, ...for the Petitioner

Ms. Sreyashee Biswas, ...for the State.

1. Petitioner is in custody for 1 year and 8 months. There is delay in trial. He prays for bail on the ground of delay.
2. Learned lawyer for the State submits that 2.800 kgs. of Methamphetamine Tablets were recovered. Though narcotic substance recovered is above commercial quantity, petitioner is in custody for a considerable period. There is no possibility of trial concluding in the near future.
3. Under such circumstances we are inclined to grant bail to the petitioner on the ground of delay. Bail prayer on the ground of delay is not fettered by restriction under Section 37 of the NDPS Act.
4. Accordingly, we direct the petitioner namely, **Sukdeb Mishra** 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), Berhampore, Murshidabad 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.

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.)