

18.01.2024

10

sdas

Allowed

C.R.M. (NDPS) No. 1982 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB Crime No. 52/NCB/KOL/2017 dated 22.09.2017 under Section 8(c) of the NDPS Act and liable to be punished under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Nityananda Majumdar petitioner

Mr. Amartya Basu

Ms. Asama Biswas

.....for the petitioner

Mr. Arun Kumar Maiti (Mohanty)

Mr. Mayukh Majumdar

.....for the NCB

1. Learned Counsel for the petitioner submits he is in custody for more than six years. It is also submitted there is inordinate delay in trial. He renews his bail prayer.

2. Learned Counsel for the NCB submits only two witnesses have been examined.

3. We have considered the materials on record. A large volume of narcotics i.e. 60 kgs. of Ganja was recovered from the possession of the petitioner. He suffered detention for more than six years and only two witnesses have been examined. Co-accused are on bail. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner may be released on bail on the ground of inordinate delay in trial.

4. Accordingly, we direct that 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 the learned Judge, Special Court under NDPS Act-cum-Additional Sessions Judge, 3rd Court, Howrah, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)