

C.R.M. (NDPS) 1899 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 **English Bazar Police Station Case No.892 of 2023** dated **06.06.2023** under **Sections 21(C)/27A/29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of: **Chhoton Basak @ Chhotan Basak**.

Mr. Tapodip Gupta,
Mr. Suman Bhanja, ...for the Petitioner

Mr. Ranadeb Sengupta,
Ms. Suparna Chatterjee,for the State

1. We have heard learned counsel for the parties.
2. Petitioner is in custody for 1 year 6 months. There is delay in trial.
Only 1 out of 7 witnesses have been examined. There is little possibility of trial concluding in near future.
3. Learned counsel for the State opposes the bail prayer.
4. Accordingly, petitioner is entitled to bail on the ground of delay in trial. Bail prayer on the ground of delay is not fettered by restriction under Section 37 of the NDPS Act.
5. Accordingly, we direct the petitioner namely, **Chhoton Basak @ Chhotan Basak** 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), Malda, 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 and commit similar offence in future.

6. 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.
7. The application for bail is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)