

02.01.2024.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 2065 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.32 of 2020 arising out of Maidan P.S. Case No.21 of 2020 dated 29.08.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : **Om Prakash Kumar.**

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Joy Chakraborty,
Mr. Sandip Dinda.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Ms. Sreyashee Biswas.

...for the State.

1. Petitioner is in custody for three years and four months.

He submits there is inordinate delay in trial. He prays for bail.

2. Learned Advocate for State opposes the bail prayer. He contends petitioner is a resident of Bihar and there is possibility of abscondence.

3. We have considered the materials on record. Though petitioner is in custody for more than three years and four months, only one witness has been examined. Prosecution proposes to examine eight witnesses in all and there is no possibility of trial concluding in the near future.

4. Under such circumstances, we are of the opinion petitioner has been able to make out a case for bail on the ground of inordinate delay in trial. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

5. Hence, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., **Om Prakash Kumar** 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-I, NDPS Act, City Sessions Court, Calcutta subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata and provide the address to the investigating agency and Court below and report to the Officer-in-charge, Maidan Police Station once in a week until further order.

7. In the event the 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)