

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

13.05.2024.
30/tkm

C.R.M. (NDPS) 209 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pradhannagar P.S case no. 601 of 2021 dated 7.8.2021 under section 21(c)/ 22(c) of the NDPS Act

and

Allowed

In the matter of : Neema Dorjee Tamang Petitioner

Mr. J K Bhowmik
Mr. S Bhowmik
Mr. S Kumar
Ms. Rikta Sarkar
Mr. H Rahaman

...for the Petitioner

Mr. Ujjwal Luksom
Mr. S S Sikdar

...for the State

1. Petitioner is in custody for about three years. He contends there is slow progress in trial. He prays for bail on the ground of delay.

2. Learned lawyer for the State opposes the bail prayer. He submits bail prayer of the petitioner was rejected in September 2023. One witness has been examined in part.

3. We have considered the materials on record. 144 bottles of cough syrup containing codeine phosphate were recovered from the petitioner along with spasmo proxyvon plus tablets. On merits his bail prayer has been repeatedly rejected earlier and lastly in September 2023. Presently petitioner prays for bail on the ground of delay. He contends only one out of 16 witnesses has been examined in part. Though narcotics

above commercial quantity was recovered, there is slow progress in trial. Only one witness has been examined in part. Prosecution proposes to examine 16 witnesses in all. Since rejection of bail in September 2023 there is no progress in trial. Petitioner is not responsible for the delay. Petitioner has made out a case of bail on the ground of delay and in view of *Rabi Prakash Vs. State of Odisha*¹ he may be released on bail.

4. Accordingly, the petitioner 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, Siliguri on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

6. The application being CRM (NDPS) 209 of 2024 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109