

1.
09-01-2025
Ct.No.28
debajyoti
(Allowed)

C.R.M. (NDPS) 1945 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 439 of the Code of Criminal Procedure in connection with Shalimar GRPS Police Station Case No.18 of 2023 dated 13-08-2023 under Section 21(c) of the NDPS Act.

In the matter of : **Ram Briksha Ram**

.... Petitioner.

Mr. Sk Toslim Ali

...for the Petitioner.

Mr. Saibal Bapuli, learned APP,

Mr. Sachit Talukdar

...for the State.

1. Report is placed on record.
2. Petitioner is in custody for 1 year and 4 months. Co-accused have been granted bail.
3. Learned Additional Public Prosecutor submits that trial would be concluded in three months.
4. We have considered the materials on record. Bail was granted to co-accused on the ground of delay. Petitioner is in custody for a considerable period. Though it is assured that trial shall be concluded in three months, it is common knowledge that such assurances are often belied due to circumstances for which the petitioner is not responsible.
5. Accordingly, we are of the opinion petitioner is entitled to bail on the ground of delay in trial. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act as held in **Rabi Prakash Vs. State of Odisha**¹.

¹ 2023 SCC OnLine 1109

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

7. Accordingly, the petitioner, namely, **Ram Briksha Ram**, 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 the NDPS Act, Howrah, 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 or commit similar offences in future.

8. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)