

2.
09-01-2025
Ct.No.28
debajyoti
(Allowed)

C.R.M. (NDPS) 1973 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 Bally Excise Circle Case No.57 of 2023 dated 19-09-2023 under Sections 21(c)/22(c)/29 of the NDPS Act.

In the matter of : **Pintu Das**

.... Petitioner.

Mr. Sk Toslim Ali

...For the Petitioner.

Ms. Amita Gaur,

Mr. Saibal K. Dasgupta

...For the State.

1. Petitioner is in custody for 1 year 4 months. Trial has not commenced. He prays for bail on the ground of delay in trial.
2. Learned lawyer for the State opposes the prayer.
3. We have considered the materials on record. Though it is alleged 400 liters of Phensedyl Syrup was recovered from a vehicle, bail is prayed on the ground of delay in trial. Petitioner is in custody for a considerable period. Charge is yet to be framed.
4. Under such circumstances, petitioner has made out a case for bail on the ground of delay in trial. Bail prayer on the ground of delay in trial is not restricted by fetters under Section 37 of the NDPS Act as held in **Rabi Prakash Vs. State of Odisha**¹.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner, namely, **Pintu Das**, 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

¹ 2023 SCC OnLine 1109

satisfaction of the learned Judge, Special Court under NDPS Act, Howrah, 3rd Court, 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.

7. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)