

**26.10.2023**  
Court No.8  
Item. 07  
(Suvendu/Sandip)

**CRM(NDPS) 1771 OF 2023**

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with STF Police Station Case No. 13 of 2021 dated 18.07.2021 under Sections 21(c)/ 29 of the NDPS Act, 1985 pending in the Court of the learned Judge –I, NDPS Act, City Sessions Court, Calcutta being NDPS Case No. 18 of 2021.

And

In the matter of: Tapas Roy

. . . . .Petitioner.

Mr. Sudip Deb  
Mr. Joy Chakraborty  
Mr. Sandip Dinda  
Ms. Ipsita Ghosh

For the Petitioner.

Md. Anwar Hossain  
Mr. Baishakhi Chatterjee

For the State.

1. The petitioner has been in custody for 2 years and 4 months and admittedly, out of 9 witnesses, only 1 witness has been examined thus far. The admitted dates are that the petitioner was taken into custody on 18.07.2021, charge-sheet was submitted on 15.12.2021 and charges were framed on 05.04.2022. The petitioner's prayer for bail was rejected by the learned Judge, Bench –I, NDPS Court, City Sessions Court, Calcutta on 16.08.2022 but that there has been no progress in the trial since then.

2. The Court is informed that there have been several adjournments and a substantial number of which due to the witnesses not being produced before the Court.
3. Learned counsel appearing for the prosecution states that the learned Judge of the City Sessions Court was not keeping well for a substantial period of time.
4. We do not see this is a reasonable or even a credible ground to accept the admitted delay in the trial.
5. We are hence of the view that the facts themselves and the long incarceration of the petitioner are sufficient to rebut the statutory restriction under Section 37 of the NDPS Act.
6. The prayer for bail is accordingly allowed.
7. We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Metropolitan Magistrate Court at Calcutta. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall report to the I.O. of the concerned Police Station once every fortnight and shall not leave the local limits of the local police station without leave of the learned Metropolitan Magistrate Court at Calcutta. The petitioner shall also make himself available for the trial as and when the petitioner is required.
8. CRM(NDPS) 1771 of 2023 is accordingly allowed and disposed of in terms of the above.

(BIBHAS RANJAN DE, J.)

(MOUSHUMI BHATTACHARYA, J.)