

16.01.2023.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 17 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.5 of 2020 arising out of Bandel G.R.P.S. Case No.10 of 2020 dated 04.02.2020 under Sections 20(b)(ii) of the NDPS Act.

In the matter of : Sikha Sarkar.

.... Petitioner.

Mr. Tanmoy Basu,
Mr. Manoj Adak,
Mr. Digonto Bose.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. He prays for bail.

Learned Advocate appearing for the State opposes the prayer for bail. He submits report. From the report, it appears that the charge was framed in September, 2021.

We have considered the materials on record. In spite of fixing two schedules, only one prosecution witness has been examined till date. Delay has not been caused at the behest of the petitioner.

The aforesaid picture depicts a clear infraction of his right to speedy trial. Though allegation against him involved possession of narcotic substance above commercial quantity, we are conscious that the bail prayer has been made on the ground of inordinate delay which does not attract the restrictions under Section 37 of the NDPS Act.

Under such circumstances, we are inclined to grant bail to the petitioner on this score.

Accordingly, the petitioner viz., Sikha Sarkar 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 N.D.P.S. Act, Chinsurah, Hooghly subject to condition that she 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.

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 her bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)