

02.02.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 76 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.01.2023 in connection with Dhantala Police Station Case No. 56 of 2022 dated 02.02.2022 under Section 21(c) of the NDPS Act.

And

In Re: ***Mithun Biswas***

... .. Petitioner

Mr. Ramashis Mukherjee

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 356 days. Chemical examiner's report has not been filed as yet.

Inspite of direction given by this court, chemical examiner's report is not filed even today.

In view of absence of chemical examiner's report, there is no possibility of the trial progressing. Petitioner is in custody for about one year. This infracts his fundamental right to speedy trial under Article 121 of the Constitution of India. Accordingly, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely ***Mithun Biswas***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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, Krishnanagar, Nadia subject to condition that the said petitioner 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.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)