

20.01.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 88 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.39 of 2021 arising out of Suti Case No.76 of 2021 dated 26.02.2021 under Sections 21(c)/29 of the NDPS Act and charge sheet submitted under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sadekul Khan @ Bhutu.

.... Petitioner.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna,
Mr. Aliul Islam.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioner is in custody for about two years. Chemical examiner's report has not been filed. As a result, charge has not been filed.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. We are of the opinion that the fundamental right to speedy trial of the petitioner stands infracted. Bail prayer on the plea of inordinate delay in trial is not fettered by the statutory restrictions under Section 37 of the NDPS Act.

In view of the aforesaid, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sadekul Khan @ Bhutu 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, Murshidabad at Berhampore 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.

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 his 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.)