

13.02.2023.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 146 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.177 of 2018 arising out of Lalgola P. S. Case No.384 of 2018 dated 17.06.2018 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Jaidul Sk. @ Banya.

.... Petitioner.

Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Rudradipta Nandy, Id. A.P.P.,
Mrs. Sonali Das.

...for the State.

Petitioner is in custody for more than four years and seven months. He submits there is inordinate delay in trial. He prays for bail.

Learned Additional Public Prosecutor opposes the bail prayer. He submits inspite of intimation, no report has been made available.

We have considered the materials on record. Petitioner is in custody for a considerable period of time. Notwithstanding a number of schedules fixed for recording evidence, no witness has been examined as yet. This infracts the fundamental right to speedy trial of the petitioner. Petitioner is entitled to bail on this score alone. Bail prayer on the ground of delay in trial is not fettered under Section 37 of the NDPS Act.

Accordingly, the petitioner viz., Jaidul Sk. @ Banya 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.)