

02.02.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 159 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.02 of 2020 arising out of Raninagar P. S. Case No.694 of 2019 dated 24.12.2019 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Sarvajit Mondal @ Sarajit Mondal & Anr.
.... Petitioners.

Ms. Chandrima Debnath.

...for the Petitioners.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Arijit Ganguli,
Mr. Arani Bhattacharyya.

...for the State.

Petitioners are in custody for more than three years. It is submitted there is inordinate delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits date has been fixed for examination of prosecution witnesses in April, 2023.

We have considered the materials on record. Charge was framed in 2021. Though five schedules were fixed, no witnesses were examined. Delay cannot be attributed to the petitioners.

In view of the aforesaid circumstances, we are of the opinion fundamental right to speedy trial of the petitioners under Article 21 of the Constitution of India has been infringed and they are entitled to bail. Bail prayer of the petitioners on this ground is not fettered under Section 37 of the NDPS Act.

Accordingly, the petitioners viz., Sarvajit Mondal @ Sarajit Mondal and Ranjan Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)