

06.02.2023
Sl. No.21
akd
[ALLOWED]

C. R. M. (NDPS) 197 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Lalgola Police Station Case No. 844 of 2019 dated 15.11.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.213 of 2019)

And

In Re: ***Ramesh Mondal @ Romesh Mandal***

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Mainak Gupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years and two months. It is further submitted there is little possibility of the trial concluding in near future.

Learned Advocate for the State opposes the prayer for bail and submits three witnesses have been examined.

We have considered the materials on record. Only 3 out of 17 witnesses have been examined till date. Petitioner is in custody for more than three years. There is little possibility of the trial concluding in near future. In view of the aforesaid circumstances, we are of the opinion fundamental right of the petitioner to speedy trial enshrined under Article 21 of the Constitution of India has been infringed. Bail prayer of the petitioner on this score is not fettered under Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to him.

Therefore, the accused/petitioner, namely ***Ramesh Mondal @ Romesh Mandal***, 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-cum-Additional District Judge, 2nd Court, Berhampore, Murshidabad 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.)