

12.10.2023

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Allowed

C.R.M. (NDPS) No. 204 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 266 of 2022 dated 26.03.2022 under Section 21(c) of the NDPS Act.

And

In Re : Jasim Mondal petitioner

Mr. Soubhik Mitter
Ms. Rajnandini Das

.....for the petitioner

Mr. Ranadeb Sengupta

....for the State

1. Learned Counsel for the petitioner submits he is in custody for one and half years. It is also submitted that prosecution witnesses have not been examined as yet. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits delay was due to non-availability of chemical examiner's report. Presently chemical examiner's report has been placed before this Court.

3. We have considered the materials on record. Petitioner is in custody for one year and half months. Delay was due to non-availability of chemical examiner's report. Petitioner is not responsible for delay. Under such circumstances no witness has been examined as yet. Petitioner has been able to make out a case of infraction of fundamental right to speedy trial and he is

entitled to bail on this score. Accordingly, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 NDPS Act, Krishnagar, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)