

08.02.2023

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Allowed

C.R.M. (NDPS) No. 213 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No. 376 of 2019 dated 29.10.2019 under Section 20(b)(ii)(c) of the N.D.P.S. Act.

And

In Re : Balai Saha petitioner

Mr. Arunava Ganguly

.....for the petitioner

Mr. Saryati Datta

.....for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. There is inordinate delay in trial. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. There are materials showing recovery of 20.2kgs. of Ganja from the petitioner. In spite of a number of schedules being fixed, not a single prosecution witness has been examined. There is little possibility of trial concluding in the near future.

In view of protracted period of detention suffered by the petitioner we are of the opinion petitioner is entitled to bail on the ground of inordinate delay in trial. Bail prayer of the petitioner on this score is not fettered by Section 37 of the NDPS Act.

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, Hooghly, subject to conditions 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 he 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)