

10.02.2023
sdas/tkm/ct 28
sl no. 21

C.R.M. (NDPS) 233 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ispampur P.S case no. 70 of 2020 dated 23.1.2020 under sections 21(c)/29 of the NDPS Act
and

Allowed

In Re : Arun Mondal

..... petitioner

Ms. Chandrima Debnath

..... for the petitioner

Mr. S Bapuli

Mr. Arijit Ganguly

Mr. Bibaswan Bhattacharya

..... for the State

Petitioner is in custody for more than three years. It is submitted there is inordinate delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. We have perused the order-sheet. Charge was framed in January 2021. Though a number of schedules were fixed, prosecution witnesses were not produced. This infracts the fundamental right of the petitioner to speedy trial. Bail prayer of the petitioner on the score of delay is not fettered by section 37 of the NDPS Act.

Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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, Berhampore, Murshidabad on condition that the petitioner shall appear before the trial court on every date of hearing 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 justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 233 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)