

15.02.2023

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Allowed

C.R.M. (NDPS) No. 258 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Uttarpura Police Station Case No. 479 of 2019 dated 12.09.2019 under Sections 21(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Akash Roy @ Bumba petitioner

Mr. Arunava Ganguly

.....for the petitioner

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

.....for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted inspite of direction given by this Court in CRR No. 850 of 2021 prosecution witnesses have not been examined. He prays for bail.

Report submitted by the learned Counsel for the State is placed on record.

From the materials on record including the order-sheet we note inspite of a number of schedules being fixed no prosecution witness has been examined as yet. This infracts the fundamental right to speedy trial of the petitioner. Under such circumstances, we are inclined to grant bail to the petitioner.

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 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.

In the event petitioner 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.)