

16.03.2023
sdas/tkm/ct 28
sl no. 4

C.R.M. (NDPS) 284 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Lalgola P.S case no. 693 of 2021 dated 14.9.2021 under sections 21(c)/29 of the NDPS Act
and

Allowed

In Re : Ukil Sk & Anr.

..... petitioners

Mr. S Das Mahapatra

Mr. Tapodip Gupta

Ms. M Sinha

..... for the petitioners

Mr. Ranadeb Sengupta

..... for the State

Petitioners are in custody for more than a year. It is submitted no chemical examiner's report has been filed. Accordingly, the case cannot be proceeded before the trial court. They pray for bail.

State submits report.

Perusal of the report shows in spite of reminders given to the department, FSL report has not been supplied till date. Petitioners are in custody for more than a year. There is no possibility of the matter proceeding without the chemical examiner's report. Ample opportunity has been given to the prosecution to submit the report. Failure to submit FSL report promptly infracts the fundamental right to speedy trial of the petitioners on such score.

Under such circumstances we are inclined to grant bail to the petitioners.

Accordingly, petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each 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 cum Additional District

Judge, 2nd Court at Berhampore, Murshidabad on condition that the petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (NDPS) 284 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)