

21.02.2023.
17.
Ct.No.28.
(Allowed)

C.R.M. (NDPS) 317 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.22 of 2021 arising out of Raninagar P. S. Case No.36 of 2021 dated 20.01.2021 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Farijul Saikh @ Farijul Sk & Anr.

.... Petitioners.

Mr. Tapodip Gupta.

...for the Petitioners.

Mr. Ranadeb Sengupta.

...for the State.

Petitioners are in custody for two years. No chemical examiner's report has been filed. Hence, trial has not commenced. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though petitioners are in custody for more than two years, charge could not be framed as chemical examiner's report has not been placed on record. This infracts the fundamental right to speedy trial of the petitioners.

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

Accordingly, the petitioners viz., Farijul Saikh @ Farijul Sk and Prabir Mondal @ Probir Mondal shall 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 N.D.P.S. Act, Murshidabad at Berhampore subject to condition that they

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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)