

23.02.2023.
13.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 325 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.48 of 2018 arising out of Durgapur P. S. Case No.386 of 2018 dated 13.08.2018 under Sections 21C/29 of the NDPS Act and under Sections 25(1B)(a)/35 of the Arms Act and Section 120B of the Indian Penal Code.

In the matter of : Ajit Kr. Singh.

.... Petitioner.

Mr. Kunal Ganguly.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for over three years. There is inordinate delay in trial.

Learned Advocate for the State opposes the bail prayer. He submits 270 gms. of heroin was recovered along with fire arms from the petitioner.

We have considered the materials on record. Only four out of thirty-three witnesses have been examined. Progress in trial is very slow. Petitioner has not contributed to the delay. There is no possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion petitioner is entitled to bail on the ground of inordinate delay in trial. Bail prayer of the petitioner on the score of delay is not fettered by Section 37 of the NDPS Act.

Accordingly, the petitioner viz., Ajit Kr. Singh 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 N.D.P.S. Act, Purba Bardhaman subject to condition 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 the 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)