

24.02.2023.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 349 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.24 of 2019 arising out of Seerampore P. S. Case No.403 of 2019 dated 12.09.2019 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

In the matter of : Sk. Salauddin @ Sona.

.... Petitioner.

Mr. Debasis Kar,
Mr. Arka Tilak Bhadra.

...for the Petitioner.

Mr. T. D. Nandy,
Mr. Antarikhya Basu.

...for the State.

Petitioner is in custody for more than three years. He submits co-accused has been enlarged on bail. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits charge has been framed in December, 2022. Petitioner has criminal antecedents.

We have considered the materials on record. There is slow progress in the trial. Petitioner is not responsible for the delay. Though charge has been framed in December, 2022, there is little possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this score. Bail prayer of the petitioners on the score of delay is not fettered by Section 37 of the NDPS Act.

Accordingly, the petitioner viz., Sk. Salauddin @ Sona 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, Hooghly 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 and on further condition petitioner while on bail shall remain within the jurisdiction of Seerampore Police Station except for the purposes of investigation and/or attending court proceeding and report to the Officer-in-charge of Seerampore Police Station once in a week until further orders.

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.)