

24.02.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 350 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.15 of 2020 arising out of English Bazar P. S. Case No.155 of 2020 dated 16.02.2020 under Sections 21(C)/29 of the NDPS Act.

In the matter of : Raju Mandal.

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioner is in custody for more than three years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits delay is due to vacancy in the trial court. Charge has already been framed. One witness has been examined in part.

We have considered the materials on record. Though petitioner is in custody for more than three years, only one witness has been examined in part. Prosecution proposes to examine 11 witnesses and there is little possibility of trial concluding in the near future. Petitioner has not contributed to the delay. In the factual matrix, delay is due to systemic reasons i.e. vacancy in the trial court would impair the fundamental right to speedy trial of the petitioner. Hence, we are inclined to grant bail to the petitioner on this score.

Accordingly, the petitioner viz., Raju Mandal 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, Malda 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.)