

13.03.2023
tkm/ct 28
sl no. 68

C.R.M. (NDPS) 366 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with STF P.S case no. 32 dated 24.8.2019 under sections 22(c)/29 of the NDPS Act
and

Allowed

In Re : Sagar Dey

..... petitioner

Mr. Sourav Chatterjee
Ms. Pampa Dey (Dhabal)
Mr. N K Gupta

..... for the petitioner

Mr. S Bardhan
Mr. Palash Ch. Majhi

..... for the State

Heard learned lawyers for the parties.

We have perused the order-sheets submitted on behalf of the State. Petitioner is in custody for more than three years. Though charge was framed in January 2021, on a number of dates prosecution failed to examine witnesses. Adjournments of bail application was due to systemic reasons and cannot be attributed to the petitioner who is in custody.

The aforesaid factual matrix shows infraction of the fundamental right to speedy trial of the petitioner. Accordingly, he is entitled to bail on such score.

The petitioner 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 Special Judge, Bench I City Sessions Court, Calcutta on condition that the petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (NDPS) 366 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)