

13.03.2023
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allowed

CRM (NDPS) No. 376 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gobardanga Police Station Case No. 55 of 2020 dated 11.03.2020 under Section 21(C) of the NDPS Act.

And

In Re : Sudipta Dey @ Kanai petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha

.....for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted there is inordinate delay in trial.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. From the orders annexed to the petition we note though charge was framed in March, 2022, till date no witness has been examined. Petitioner is in custody for more than three years. There is inordinate delay in trial which has infringed his fundamental right to speedy justice. Petitioner is not responsible for the delay. Bail prayer of the petitioner on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

Accordingly, we direct that the petitioner 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 NDPS Act, North 24 Parganas, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)