

14.03.2023
12
sdas
allowed

CRM (NDPS) No. 384 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Madhyamgram Police Station Case No. 151 of 2019 dated 30.03.2019 under Sections 21(C)/29 of the NDPS Act.

And

In Re : Partha Das @ Raja petitioner

Mr. Angshuman Chakraborty
Mr. S. S. Saha

.....for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

..... for the State

Learned Counsel for the petitioner submits he is in custody for about four years. It is also submitted that there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits three witnesses have already been examined. Next date is fixed in April, 2023.

We have considered the materials on record. Though allegations involve possession of narcotics above commercial quantity i.e. 5 litres of codeine mixture, we note petitioner is in custody for about four years and only three witnesses have been examined. 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 alone. Bail prayer of the petitioner on the ground of delay 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.)