

14.03.2023
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allowed

CRM (NDPS) No. 387 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with S.T.F.P.S. Case No. 30 of 2019 dated 10.08.2019 under Sections 22(c)/29 of the NDPS Act.
And

In Re : Faruk Ahmed @ Md. Faruk Ahmed petitioner

Ms. Minoti Gomes
Mr. Joy Chakraborty
Mr. Sandip Dinda

.....for the petitioner

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than three 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 trial is in progress and one witness has been partly examined.

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. This infracts fundamental right to speedy trial of the petitioner and he is entitled to bail on this score alone. 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, Bench-I, NDPS Act, City Sessions Court, Calcutta, 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.)