

21.03.2023.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 431 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.09 of 2020 arising out of Balagarh P. S. Case No.31 of 2020 dated 15.02.2020 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : Nile Malik.

.... Petitioner.

Mr. Manas Kr. Das,
Mr. Aritra Kr. Thokdar.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

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

Learned Advocate for the State opposes the bail prayer. Trial is in progress.

We have considered the materials on record. Petitioner is in custody for more than three years. Only two witnesses have been examined till date. There is no possibility of trial concluding in the near future.

In view of the aforesaid circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on such score. Bail prayer on the ground of delay in trial is not fettered under Section 37 of the NDPS Act. Hence, he may be enlarged on bail.

Accordingly, the petitioner viz., Nile Malik 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, Hooghly 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.)