

22.03.2023
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allowed

CRM (NDPS) No. 453 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandipur Police Station Case No. 169 of 2017 dated 24.08.2017 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re : Manoj Khuntia petitioner

Mr. Amal Krishna Samanta

.....for the petitioner

Mr. Sanjoy Bardhan

Mr. Chittaranjan Ghosh

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than five 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 has substantially progressed and date has been fixed for cross-examination of the investigating officer.

We have considered the materials on record. Ample opportunity was given to the prosecution to conclude the trial. Petitioner languished in jail for more than five years. Under such circumstances we are constrained to observe the fundamental right to speedy trial of the petitioner is infringed 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. Hence, we are inclined to grant bail to the petitioner.

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 Additional District and Sessions Judge, 3rd Court Tamluk, Purba Medinipur, 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.)