

03.04.2023
Sl. No.1
akd
[ALLOWED]

C. R. M. (NDPS) 481 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with Swarupnagar Police Station Case No.826 of 2019 dated 03.10.2019 under Section 21(c) of the NDPS Act.

And

In Re: **Gobinda Debnath**

... .. Petitioner

Ms. Malashree Ghosh

... .. for the petitioner

Mr. Saibal Bapuli .. Id. Addl. Public Prosecutor

Mr. Bibaswan Bhattacharya

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial.

Report is placed on record.

We have considered the materials on record. Though charge was framed in December, 2021, trial progressed at a slow pace and only one witness has been examined in part. Prosecution proposes to examine ten witnesses. There is little possibility of the trial concluding in the near future. This infracts the fundamental right to speedy trial of the petitioner. Bail prayer on this score is not fettered by restrictions under Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely **Gobinda Debnath**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under the NDPS Act-cum-Additional Sessions Judge, 6th Court,

Barasat, North 24-Parganas subject to condition that the said petitioner 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 or commit similar offences in future.

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

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)