

27.03.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 521 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.12 of 2020 arising out of Rishra P. S. Case No.28 of 2020 dated 26.02.2020 under Sections 21(C) of the NDPS Act.

In the matter of : Ashish Das @ Ashis.

.... Petitioner.

Mr. Arunava Ganguly.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than three years. He submits inspite of direction given by this Court on 23rd December, 2021, only one witness has been examined in part. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. By order dated 23rd December, 2021, a learned Single Judge of this Court in CRR 2544 of 2021 directed the trial court to fix schedules consisting of three dates i.e. on and from 7th February, 2022 at a gap of three months each. On most dates prosecution witnesses were absent and 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.

Accordingly, the petitioner viz., Ashish Das @ Ashis 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 the NDPS 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.)