

27.03.2023.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 522 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.34 of 2019 arising out of Chinsurah P. S. Case No.349 of 2019 dated 13.10.2019 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Ashim Roy Chowdhury @ Sanat.

.... Petitioner.

Mr. Arunava Ganguly.

...for the Petitioner.

Mr. Sudip Ghosh,

Mr. Apurba Kr. Datta.

...for the State.

Petitioner is in custody for more than three years. He submits inspite of direction given by this Court vide order dated 15.02.2021 in CRR 413 of 2021 to conclude the trial expeditiously, only one witness has been examined in part.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Inspite of the aforesaid direction for speedy conclusion of trial, there is no appreciable progress in the case. Prosecution proposes to examine 10 witnesses and there is little possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this 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., Ashim Roy Chowdhury @ Sanat 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, Chinsurah 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.)