

28.03.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 526 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.03.2023 in connection with Nischinda Police Station Case No. 118 of 2017 dated 28.05.2017 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Chiranjit Kar @ Bhola***

... .. Petitioner

Mr. Anirban Chakraborty

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title in course of this day.

It is submitted on behalf of the petitioner that he is in custody for about five years and nine months. It is further submitted there is slow progress in trial.

Learned Advocate for the State opposes the prayer for bail and submits huge quantity of narcotics was recovered from two trucks bearing Nos. WB23C-2185 and WB23D-7188 respectively which were coming from Orissa. Trial is in progress. Six witnesses have been examined.

We have considered the materials on record. Allegations against the petitioner and co-accused are grave. However, petitioner has suffered detention for about six years. Progress in trial is not appreciable. Only six witnesses have been examined. Prosecution proposes to examine 16 witnesses. In view of the aforesaid circumstances, we are of the opinion further detention of the petitioner would infract his fundamental right to speedy trial and he is entitled to

bail on this score. Bail prayer on the ground of delay is not fettered by restrictions under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely **Chiranjit Kar @ Bhola**, 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, 3rd Court, Howrah 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 and on further condition that the petitioner, while on bail, shall not leave the district of North 24-Parganas except for the purpose of attending court proceedings and shall report to the Officer-in-charge, New Barrackpore Police Station once in a week until further orders.

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.)