

05.04.2023
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allowed

CRM (NDPS) No. 530 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 693 of 2021 dated 14.09.2021 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Abdul Jabbar @ Mosem & Ors. petitioners

Mr. Arnab Chatterjee
Mr. Dhanasree Biswas
Ms. Poulami Bose
Ms. Chandrima Debnath

.....for the petitioners

Mr. Ranadeb Sengupta

..... for the State

Inspite of opportunity no chemical examiner's report has been placed on record.

Heard the learned Counsels for the parties.

We have considered the materials on record. Petitioners are in custody for one year and six months. Delay in obtaining chemical examiner's report has hindered the progress of trial. This has infringed the fundamental right of the petitioners to speedy trial. They are not responsible for the delay. Under such circumstances, we are inclined to enlarged the petitioners on bail.

Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each

with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Murshidabad, subject to the condition that the petitioners 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 petitioners fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)