

28.03.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 542 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.27 of 2019 arising out of Maidan P. S. Case No.64 of 2019 dated 30.07.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Sahalam Sk & Anr.

.... Petitioners.

Mr. Soumik Ganguly,
Mr. G. N. Imrohi.

...for the Petitioners.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

Petitioners are in custody for a considerable period of time. It is contended inspite of direction given in CRM 6439 of 2021 to conclude trial within six months from the next date fixed for recording evidence, trial has not concluded. They pray for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Inspite of direction given by this Court in CRM 6439 of 2021, as aforesaid, there is no appreciable progress in trial. Petitioners are in custody for a considerable period of time.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioners has been infringed and they are 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, they may be enlarged on bail.

Accordingly, the petitioners viz., Sahalam Sk. and Julu Rahaman @ Raju 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, City Sessions Court NDPS Act, Calcutta subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)