

12.04.2023.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 554 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.T. R. 24 of 2019 arising out of NCB Crime No.13/NCB/Kol/2019 dated 27.07.2019 under Sections 8C of the NDPS Act and Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : Lalu Prasad Yadav @ Ajay Raj @
Lal Kumar Yadav.

.... Petitioner.

Mr. Nilendra Narayan Ray.

...for the Petitioner.

Mr. Arun Kr. Maiti,
Mr. Tirthapati Acharyya.

...for the NCB.

Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. He prays for bail.

Learned Advocate for the NCB opposes the bail prayer. He submits report.

From the report, we note one witness has been examined in full and another witness has been examined in part.

Having considered the materials on record and the aforesaid report, it appears that the trial in the present case has not progressed with sufficient expedition. Charge was framed in February, 2020. Even if one discounts the pandemic condition prevailing in 2020-21, only one witness has been examined in full and another witness in part in the next one year and four months. Prosecution proposes to examine seven

witnesses in all. Delay in the matter cannot be attributed to the petitioner.

Under such circumstances, we are constrained to observe that the slow pace of progress in trial has infringed the fundamental right to speedy justice of the petitioner. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Hence, he may be enlarged on bail.

Accordingly, the petitioner viz., Lalu Prasad Yadav @ Ajay Raj @ Lal Kumar Yadav 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-cum-Additional Sessions Judge, 3rd Court, Howrah 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 and on further condition that the petitioner while on bail shall remain within the District of Howrah and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders

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.)