

29.03.2023
16
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allowed

CRM (NDPS) No. 562 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 166 of 2020 dated 26.04.2020 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Santosh Mondal petitioner

Mr. Jisan Hossain
Ms. Chandrima Debnath
Mr. Karnel Mondal

.....for the petitioner

Mr. Saryati Datta

..... for the State

Learned Counsel for the petitioner submits he is in custody for about three years. It is also submitted there is delay in trial. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Charge was framed on 16th March, 2022. Though a year has lapsed not even a single witness has been examined. Prosecution proposes to examine fourteen witnesses. There is little possibility of the trial concluding in the near future. Petitioner has not contributed to the delay. Under such circumstances, we are constrained to hold fundamental right of the petitioner

to speedy trial has been infringed and he is entitled to bail on this score.

Accordingly, we direct that the petitioner 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 NDPS Act, Berhampore, Murshidabad, subject to the condition that the petitioner 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 petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)