

29.03.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 570 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.14 of 2020 arising out of Suti P. S. Case No.28 of 2020 dated 15.01.2020 under Sections 20(c)/29 of the NDPS Act.

In the matter of : Abdul Latib @ Latib Mahaldar @
Saddam Sk. & Anr.

.... Petitioners.

Mr. Anisur Rahman.

...for the Petitioners.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.

...for the State.

Petitioners are in custody for more than three years. They submit there is delay in trial. They pray for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.

We have considered the materials on record. Seven witnesses have been examined till date. Prosecution proposes to examine 13 witnesses in all. Petitioners suffered incarceration for more than three years. He has not contributed to the delay.

Under such circumstances, we are of the opinion petitioners' fundamental right to speedy trial 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., Abdul Latib @ Latib Mahaldar @ Saddam Sk and Tenu Das 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 the NDPS Act, Murshidabad at Berhampore 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.)