

30.03.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (NDPS) 580 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with Special Task Force (STF) Police Station Case No.19 of 2020 dated 25.07.2020 under Sections 22(c)/29 of the NDPS Act. (NDPS Case No.28 of 2020)

And

In Re: **Faruk Sk.**

... .. Petitioner

Ms. Minoti Gomes
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Apurba Kumar Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and eight months. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though the allegations involve recovery of a large volume of *Yaba* tablets containing *methamphetamine*, we note trial has proceeded at a tardy pace. In spite of a number of schedules being fixed, prosecution witnesses did not attend the court. No explanation is forthcoming for non-availability of prosecution witnesses during trial. Petitioner is not responsible for the delay. The aforesaid factual matrix portrays breach of fundamental right to speedy justice of the petitioner and he is entitled to bail on such score. Bail prayer on the ground of inordinate delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely **Faruk Sk.**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten

thousand only), 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, Bench-I, City Sessions Court, Calcutta subject to condition that the said petitioner 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 or commit similar offences in future.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)