

30.03.2023.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 598 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Golabari P. S. Case No.20 of 2020 dated 20.01.2020 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

In the matter of : Ashim Das @ Asit.

.... Petitioner.

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee,
Mr. Souparna Sinha.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

Petitioner is in custody for three years and two months. It is contended inspite of direction given by this Court in CRM 6081 of 2021, only one witness has been examined till date. He prays for bail on the ground of inordinate delay in trial.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. In CRM 6081 of 2021, a Bench of this Court by order dated 08.12.2021 directed the trial court to conclude the trial at the earliest preferably within six months from the date of communication of the order. Though the order was communicated, only one out of fourteen witnesses have been examined till date. There is little possibility of trial concluding in the near future. Delay cannot be attributed to the petitioner.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been

infracted and he is 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, he may be enlarged on bail.

Accordingly, the petitioners viz., Ashim Das @ Asit 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, 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.

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.)