

31.03.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (NDPS) 609 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.03.2023 in connection with Singur Police Station Case No.97 of 2020 dated 10.04.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.29 of 2020)

And

In Re: **Sk. Rajauddin**

... .. Petitioner

Mr. Arunava Ganguly

... .. for the petitioner

Mr. Ranabir Roy Chowdhury

Mr. Sandip Chakraborty

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and two 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 allegations involve possession of narcotics above commercial quantity i.e. 30 kgs. of *Ganja*, we note inspite of two schedules being fixed for examination of witnesses, no witness has turned up. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of fundamental right to speedy trial and he is entitled to bail on this 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 **Sk. Rejauddin**, 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-cum-Additional Sessions Judge, Hooghly 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.)