

31.03.2023.
18.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 613 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.29 of 2019 arising out of Uttarpa P. S. Case No.501 of 2019 dated 25.09.2019 under Sections 21(b)(ii)(C) of the NDPS Act.

In the matter of : Debasish Barman @ Raju.

.... Petitioner.

Mr. Arunava Ganguly.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than three years. He submits there is slow progress in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Charge was framed on 8th November, 2021. In spite of a number of schedules being fixed, only two witnesses have been examined till date. Prosecution proposes to examine eight more witnesses. Delay is not at the behest of the petitioner.

In view of the aforesaid circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial 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 petitioner viz., Debasish Barman @ Raju 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, Hooghly 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.)