

04.04.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 633 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.35 of 2019 arising out of Hastings P. S. Case No.87 of 2019 dated 26.08.2019 under Sections 20(b)(ii)(c) read with Section 29 of the NDPS Act.

In the matter of : Sankar Jana.

.... Petitioner.

Mr. Koushik Kundu,
Ms. Mrinalini Majumdar.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than three years and seven months. There is slow progress in trial. He prays for bail.

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

We have considered the materials on record. Though petitioner is in custody for more than three years, only one witness has been examined. Delay cannot be attributed to the petitioner. Prosecution proposes to examine eight witnesses and there is no possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed 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., Sankar Jana 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, Bench-I, NDPS Act, City Sessions Court, Kolkata 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 and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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.)