

18.04.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 687 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.04.2023 in connection with Amherst Street Police Station Case No.176 of 2020 dated 26.07.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.27 of 2020)

And

In Re: ***Milan Mondal***

... .. Petitioner

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

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about three years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

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

We have considered the materials on record. In spite of direction given by this court in CRM 10790 of 2020 to conclude the trial expeditiously, only one witness has been examined till date. Prosecution proposes to examine eight witnesses in all. There is little possibility of the trial concluding in near future. 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 ***Milan Mondal***, 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of North 24-Parganas except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Bagdah Police Station once in a week until further orders.

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.)