

11.04.2023.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 712 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with TR 08 of 2017 arising out of Nischinda P. S. Case No.118 of 2017 dated 28.05.2017 under Sections 20b(ii)c/29 of the NDPS Act.

In the matter of : Biswajit Tapadar @ Hulo.
.... Petitioner.

Mr. Anirban Chakraborty.
...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. C. R. Ghosh.
...for the State.

Petitioner is in custody for more than five years. He submits there is inordinate delay in trial. Co-accused viz., Chiranjit Kar @ Bhola has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits seven witnesses have already been examined.

We have considered the materials on record. Petitioner is in custody for about six years. Seven out of sixteen witnesses have been examined. There is no possibility of trial concluding in the near future. Co-accused viz., Chiranjit Kar @ Bhola is on bail.

Under such circumstances, we are of the opinion further detention of the petitioner would infract his fundamental right to speedy trial and he is entitled to bail on this score. Hence, he may be enlarged on bail.

Accordingly, the petitioner viz., Biswajit Tapadar @ Hulo 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-cum-Additional Sessions Judge, 3rd Court, 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 or commit similar offences in future and on further condition that the petitioner, while on bail, shall not leave the district of North 24-Paraganas except for the purpose of attending court proceedings and shall report to the Officer-in-charge, New Barrackpore Police Station 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.)