

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

C.R.M. (NDPS) 713 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.126 of 2020 arising out of Raninagar P. S. Case No.162 of 2020 dated 13.04.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Mustak Habib.

.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for more than three years. He submits only one witness has been examined. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though petitioner is in custody for more than three years, charge was framed only in 2022. Presently only one witness has been examined. Prosecution proposes to examine twelve witnesses. There is no possibility of trial concluding in the near future. Petitioner has not contributed to the delay.

Under such circumstances, we are constrained to hold there is delay in trial which has infringed his fundamental right to speedy justice and he is entitled to bail on this score.

Accordingly, the petitioner viz., Mustak Habib 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, Murshidabad at Berhampore 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.

Presence of the Officer-in-charge, Lalgola Police Station and the Investigating Officer is noted and dispensed with.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)