

13.04.2023  
12  
sdas  
allowed

CRM(NDPS) No. 725 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Salar Police Station Case No. 33 dated 16.02.2019 under Section 20(b) of the NDPS Act and charge-sheet submitted under Section 20(b) of the NDPS Act.

And  
In Re : Fultusi Bibi       ..... petitioner

Mr. Navanil De  
Mr. Srinjan Ghosh  
Ms. Monami Mukherjee  
.....for the petitioner

Mr. Swapan Banerjee  
Mr. Suman De  
..... for the State

Learned Counsel for the petitioner submits she is in custody for more than four years. It is also submitted there is delay in trial. She prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Though narcotics above commercial quantity i.e. 27.99kgs. of Ganja was recovered from the petitioner there is very slow progress in the trial. Charge was framed in 2019 and inspite of seven schedules being fixed no witness has been examined. It is true on certain occasions there was vacancy in the trial court but in none of the schedules witnesses were produced. Delay in the matter cannot be attributed to the petitioner. Under such circumstances we are of the opinion fundamental right of the petitioner to speedy trial has been infracted and she is entitled to bail on this score.

Accordingly, we direct that the petitioner 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 NDPS Act, Berhampore, Murshidabad, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid conditions without justifiable cause, the trial court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**