

18.04.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 756 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.04.2023 in connection with Basirhat Police Station Case No.193 of 2020 dated 11.02.2020 under Section 21(c) of the NDPS Act.

And

In Re: **Anjuyara Bibi**

... .. Petitioner

Mr. Ashok Kumar Chowdhury

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

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

Learned Advocate for the State opposes the prayer for bail and submits trial is in progress. Three witnesses have already been examined.

We have considered the materials on record. Allegation involves recovery of narcotic substance i.e. 10 ltrs. of *codeine mixture* from the petitioner. Her bail prayer was rejected on merits on a number of times and lastly on July, 2022. While rejecting such prayers, this court repeatedly direction conclusion of trial at an early date. Due to heavy pendency in the trial court, the direction could not be complied with. Only three out of seven witnesses have been examined till date. Petitioner has suffered incarceration for a protracted period of time. 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 she 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 **Anjuyara Bibi**, 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-cum-Additional District & Sessions Judge, 6th Court, Barasat, North 24-Parganas 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 and shall report to the Officer-in-charge, Basirhat Police Station once in a week until further orders.

In the event she fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)