

17.04.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 767 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.128 of 2020 arising out of Raninagar P. S. Case No.212 of 2020 dated 18.06.2020 under Sections 21(c)/20(b)/29 of the NDPS Act.

In the matter of : Asutosh Mondal @ Ashu @ Kalu & Anr.
.... Petitioners.

Mr. Tapodip Gupta.
...for the Petitioners.

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

Petitioner is in custody for more than two years and ten months. He submits there is slow progress in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. 50 bottles of phensedyl syrup containing codeine phosphate along with 5 kgs. of ganja were recovered from the petitioner. However, trial has proceeded at a slow pace and only one witness has been examined. Prosecution proposes to examine 11 witnesses. Delay in the matter cannot be attributed to the petitioner. There is little possibility of trial concluding in the near future.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this score.

Accordingly, the petitioners viz., Asutosh Mondal @ Ashu @ Kalu and Mithun Sk. @ Alamin shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Berhampore, Murshidabad subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their 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.)