

17.04.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 768 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.222 of 2020 arising out of Daulatabad P. S. Case No.210 of 2020 dated 05.10.2020 under Sections 20(b)(ii)C/29 of the NDPS Act.

In the matter of : Mursalim Sk @ Babu @ Murselim Sk.
.... Petitioner.

Mr. Tapodip Gupta.
...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

Petitioner is in custody for more than two years and six months. It is submitted 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. Though 77 kgs. of ganja was recovered from the petitioner, there is slow progress in trial. No witness has been examined till date. Prosecution proposes to examine 13 witnesses. There is no possibility of trial concluding in the near future. Delay in the matter cannot be attributed to the petitioner.

Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he is entitled to bail on this score.

Accordingly, the petitioner viz., Mursalim Sk @ Babu @ Murselim Sk. 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, Berhampore, Murshidabad 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)