

25.04.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 780 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N. Case No.11 of 2020 arising out of Swarupnagar P. S. Case No.16 of 2020 dated 09.01.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Samrat Biswas.

.... Petitioner.

Mr. Akram Khan,
Mr. Pronojit Roy.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Petitioner is in custody for more than three years. He submits there is slow progress in the matter. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits report.

We have considered the materials on record. Bail prayer of the petitioner was rejected in December, 2020. Thereafter, only two out of nine witnesses have been examined. Progress in the trial is not appreciable. Delay in the matter cannot be attributed to the petitioner.

Keeping in mind the aforesaid circumstances, we are constrained to hold slow progress in trial has infringed his fundamental right to speedy justice and he is entitled to bail on this score. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Hence, he may be enlarged on bail.

Accordingly, the petitioner viz., Samrat Biswas 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-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Paraganas 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.)