

19.04.2023  
Sl. No.26  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 806 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.04.2023 in connection with Arambagh Police Station Case No.107 of 2019 dated 17.03.2019 under Sections 21(b)(ii)(c)/29 of the NDPS Act. (NDPS Case No.05 of 2019)

And

In Re: **Sajdar Biswas**

... .. Petitioner

Mr. Shataroop Purukayastha  
Mr. Hamidur Rahaman  
Ms. Jayrita Bhattacharya

... .. for the petitioner

Mr. Binay Panda  
Mrs. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about four years and one month. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though a large quantity of narcotics was recovered from the petitioner, progress in the trial is not appreciable. Petitioner is languishing in custody for more than four years but only five out of twelve witnesses have been examined till date. Delay in the matter is not attributable to the accused. 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 he 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 **Sajdar Biswas**, 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 Sessions Judge, Chinsurah, Hooghly 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 Murshidabad except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Sagarpara Police Station once in a week until further orders.

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

The application for bail, thus, stands allowed.

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

**(Joymalya Bagchi, J.)**