

20.04.2023.
10.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 815 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.135 of 2018 arising out of New Town P. S. Case No.310 of 2018 dated 22.07.2018 under Section 21(C) of the NDPS Act.

In the matter of : Paltu Dhar @ Ajoy Dhar.
.... Petitioner.

Mr. Anindya Ghosh.
...for the Petitioner.

Mr. Saryati Datta.
...for the State.

Petitioner is in custody for about four years and eight months. There is slow progress in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial is in progress. Four witnesses have been examined.

We have considered the materials on record. Allegations involved recovery of 6 ltrs. of codeine phosphate from the petitioner. However, there is slow progress in trial. Though petitioner is incarcerated for about five years, only four witnesses have been examined. 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., Paltu Dhar @ Ajoy Dhar 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, 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.)