

24.04.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 847 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Watgunge P. S. Case No.105 of 2019 dated 29.06.2019 under Sections 22(c)/29 of the NDPS Act.

In the matter of : Abdul Rajjak @ Abdul Razak.
.... Petitioner.

Mr. Mazhar Hossain Chowdhury,
Ms. Mobashshara Alam.
...for the Petitioner.

Mr. Antarikhya Basu.
...for the State.

Petitioner is in custody for about four years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though petitioner is in custody for about four years, trial has progressed at a slow pace. Three more witnesses are yet to be examined. Delay cannot be attributed to the prosecution.

Under such circumstances, we are of the view delay in progress of trial has infringed the fundamental right of the petitioner 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., Abdul Rajjak @ Abdul Razak 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, 4th Court, Alipore, South 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.)