

28.04.2023
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allowed

CRM(NDPS) No. 886 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malipanchghora Police Station Case No. 175 of 2018 dated 26.10.2018 under Sections 20(b)(ii)(C) of the NDPS Act.

And
In Re : Ramjane Chowhan petitioner

Mr. Soumya Basu Roy Chowdhury
.....for the petitioner

Mr. Ranadeb Sengupta
..... for the State

Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted there is slow progress in the matter. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is in custody for more than four years. Four out of nine witnesses have been examined. Delay in the matter cannot be attributed to him. There is no possibility of trial concluding in the near future. Under such circumstances, we are of the opinion his fundamental right to speedy trial has been infracted and he is entitled to bail on this score.

Accordingly, we direct that the petitioner 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 Additional District & Sessions Judge, 3rd Court (Special Judge NDPS Act), Howrah, subject to the

conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)