

11.05.2023
tkm/ct 28
sl no. 7

C.R.M. (NDPS) 895 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with North Port P.S case no. 73 dated 30.8.2018 under sections 20(b)(ii)(c)/29 of the NDPS Act
and

Allowed

In Re : Sk. Jahangir

..... petitioner

Mr. S Lahiri
Mr. M Hussain
Mr. S Azam

..... for the petitioner

Mr. Ranadeb Sengupta

..... for the State

Petitioner is in custody for more than four years. It is submitted there is delay in trial. He prays for bail.

Learned lawyer for the State opposes the bail. He submits report.

We have considered the report. Three out of eight witnesses have been examined. Petitioner is in custody for more than four years. He has not contributed to the delay. Bail prayer of the petitioner was rejected in February 2022. Since then there is no appreciable progress in trial. There is little possibility of trial concluding in the near future and the fundamental right of the petitioner to speedy trial has been infringed.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 and Sessions Judge, under NDPS Act, City Sessions Court Calcutta on condition that the petitioner shall

appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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

The application being CRM (NDPS) 895 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)