

11.05.2023
tkm/ct 28
sl no. 8

C.R.M. (NDPS) 943 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ashoknagar P.S case no. 33 of 2019 dated 17.1.2019 under sections 21(C) of the NDPS Act
and

Allowed

In Re : Debnath Golder @ Chottu petitioner

Mr. S Bandyopadhyay

..... for the petitioner

Mr. S Bardhan

Mr. Palash Ch Majhi

..... for the State

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

Learned lawyer for the State opposes the bail. He submits five witnesses have been examined.

We have considered the report. Though petitioner is in custody for a considerable time, only five out of ten witnesses have been examined. Progress in trial is not appreciable and has infringed fundamental right of the petitioner to speedy trial. Bail prayer of the petitioner on such score is not fettered by section 37 of the NDPS Act

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 Judge, Special Court under NDPS Act, Additional District and Sessions Judge, 6th Court at Barasat, North 24 Parganas 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) 943 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)