

11.05.2023
tkm/ct 28
sl no. 13

C.R.M. (NDPS) 952 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Liluah P.S case no. 230 of 2018 dated 17.7.2018 under sections 20(b)(ii)(c)/29 of the NDPS Act
and

Allowed

In Re : Rahamat Sk. petitioner

Mr. M Chatterjee

..... for the petitioner

Mr. S Bardhan

Ms. Baishakhi Chatterjee

..... for the State

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

Learned lawyer 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. Though petitioner is in custody for more than four years, only four out of 22 witnesses have been examined. There is little possibility of trial concluding in the near future. Petitioner has not contributed to the delay.

Under such circumstances, we are of the opinion fundamental right of the petitioner to speedy trial has been infringed and he is entitled to bail on this score alone.

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, Howrah 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) 952 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)