

17.05.2023  
Sl. No.20  
**akd**  
[ALLOWED]

**C. R. M. (NDPS) 1010 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2023 in connection with NDPS Case No.127/2018 corresponding to NCB Crime No. 33/2018 under Sections 20(b)(ii)(c)/28/29/8(c) of the NDPS Act.

And

In Re: ***Trishna Biswas***

... .. Petitioner

Mr. Angshuman Chakraborty  
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Mr. Kallol Mondal  
Mr. Sagar Saha

... .. for the NCB

It is submitted on behalf of the petitioner that she is in custody for about four years and ten months. It is further submitted there is inordinate delay in trial. Accordingly, she prays for bail.

Learned Advocate for the NCB opposes the prayer for bail and submits trial is in progress.

We have considered the materials on record. Though petitioner is in custody for more than four years, only two witnesses have been examined in full and the third witness has been examined in part. Delay in the matter cannot be attributed to the defence. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of her fundamental right to speedy trial and she is entitled to bail on this score. Bail prayer on the ground of inordinate delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely ***Trishna Biswas***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten

thousand only), 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, 6<sup>th</sup> Court, Barasat, North 24-Parganas subject to condition that the said petitioner 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 or commit similar offences in future.

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

The application for bail, thus, stands allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**