

05.06.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1043 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.10 of 2021 arising out of Hirapur P.S. Case No.130 of 2021 dated 11.06.2021 under Sections 20(b)(ii)(B) of the NDPS Act.

In the matter of : Sk. Nawab.

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Ms. Trisha Rakshit,
Ms. Rajashree Tah.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Baishakhi Chatterjee.

...for the State.

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

Learned Advocate for the State opposes the bail prayer. He submits one witness has been examined in part.

We have considered the materials on record. Though charge was framed more than a year ago, only one witness has been examined in part. Progress in trial is not appreciable. There is little possibility of trial concluding in the near future.

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. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Hence, he may be enlarged on bail.

Accordingly, the petitioner viz. Sk. Nawab 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 Judge, Special Court under the NDPS Act-cum-Additional District Judge, 3rd Court, Asansol, Paschim Bardhaman subject to condition that he 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.

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

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)