

09.06.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1089 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.06.2023 in connection with Raninagar Police Station Case No.96 of 2019 dated 12.02.2019 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.44 of 2019)

And

In Re: **Aulad Sk.**

... .. Petitioner

Mr. Tapodip Gupta
Mr. Kingsuk Mondal

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits two out of seven witnesses have already been examined.

We have considered the materials on record. Petitioner is in custody for more than four years. However, only two out of seven witnesses have been examined till date. Delay in the matter cannot be attributed to the petitioner. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he 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 **Aulad Sk.**, 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 District & Sessions Judge, 2nd Court, Berhampore, Murshidabad 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 he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)