

05.07.2023.
39.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1111 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari P.S. Case No.409 of 2019 dated 22.10.2019 under Sections 20(b)(ii)C/29 of the NDPS Act.

In the matter of : Jawed Alam @ Kaffan.

.... Petitioner.

Mr. Suman De.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

Petitioner is in custody for about three years and eight months. He submits there is delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though petitioner is in custody for three years and eight months, only one witness has been examined. There is little possibility of trial concluding in the near future. Petitioner has not attributed to the delay.

Under such circumstances, we are inclined to hold 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. Jawed Alam @ Kaffan 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, Howrah 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.)