

05.07.2023.
45.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1120 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.79 of 2020 arising out of Farakka P.S. Case No.76 of 2020 dated 08.03.2020 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Palash Mondal.

.... Petitioner.

Mr. Jisan Hossain,
Ms. Chandrima Debnath,
Mr. Karnel Mondal.

...for the Petitioner.

Mr. Saryati Datta.

...for the State.

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

Learned Advocate for the State opposes the bail prayer. He submits six witnesses have already been examined.

We have considered the materials on record. Though petitioner is in custody for a protracted period of time, only six witnesses have been examined. Six more witnesses are yet to be examined and there is little possibility of trial concluding in the near future.

Under such circumstances, we are constrained 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. Palash Mondal 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, Murshidabad at Berhampore 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.)