

05.07.2023.
56.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1134 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.42 of 2019 arising out of Basirhat P.S. Case No.140 of 2019 dated 11.02.2019 under Sections 21(c) of the NDPS Act.

In the matter of : Amrito Gayen @ Kala @ Amrita Gain.
.... Petitioner.

Mr. Satadru Lahiri,
Mr. Safdarm Azam,
Mr. Wasim Faruque,
Mr. Jyotirmoy Talukder.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for about four years and four months. Inspite of directions given by this Court, trial has not concluded till date. He prays for bail on the ground of inordinate delay in trial.

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

We have considered the materials on record. Petitioner is in custody for four years and four months. Inspite of directions given by this Court on earlier occasions, only three witnesses have been examined till date. Delay in the matter cannot be attributed to the petitioner.

Under such circumstances, we are inclined to hold fundamental right of the petitioner to speedy trial has been infracted 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. Amrito Gayen @ Kala @ Amrita Gain 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, Barasat, North 24-Paraganas 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.)