

05.07.2023.
67.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1151 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with TR No.10 of 2016 arising out of NCB Crime No.21/NCB/KOL/2016 dated 09.06.2016 under Sections 15(c)/29 of the NDPS Act.

In the matter of : Tapas Sarkar.

.... Petitioner.

Mr. Anirban Chakraborty.

...for the Petitioner.

Mr. Uttam Basak.

...for the NCB.

Petitioner is in custody for more than seven years. He submits there is delay in trial. He prays for bail.

Learned Advocate for the NCB opposes the bail prayer.

We have considered the materials on record. Though petitioner is in custody for more than seven years, no witness has been examined till date. The aforesaid factual matrix discloses a patent breach of the fundamental right of speedy trial of the petitioner.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz. Tapas Sarkar 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.)