

19.07.2023
Sl. No.6
akd
[ALLOWED]

C. R. M. (NDPS) 1236 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.07.2023 in connection with Belgharia Police Station Case No.518 of 2019 dated 01.08.2019 under Section 21(c) of the NDPS Act.

And

In Re: ***Sri Sankar Pal @ Sankar Paul***

... .. Petitioner

Mr. Debasis Kar

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

Supplementary affidavit enclosing order sheets is placed on record.

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

Report is placed on record.

We have considered the materials on record. Petitioner is in custody for more than four years. However, only five witnesses have been examined till date. Six more witnesses are left to be examined. There is little possibility of the trial concluding in the near future. 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 ***Sri Sankar Pal @ Sankar Paul***, 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, Barrackpore, North 24-Parganas 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.)