

19.07.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1276 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.07.2023 in connection with T.R. Case No.04 of 2018 arising out of NCB KZU vide NCB Crime No. 12 of 2018 under Sections 20(b)(ii)(c)/28/29 of the NDPS Act.

And

In Re: **Satya Pandit**

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Arun Kumar Maity
Ms. Sumita Sarkar

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about five years and five months. It is further submitted there is inordinate delay in trial. Co-accused have been enlarged on bail. Accordingly, he prays for bail.

Learned Advocate for the NCB submits trial is in progress and two witnesses have been examined.

We have considered the materials on record. Though the case involves possession of narcotics above commercial quantity, petitioner has suffered detention for more than five years. Only two out of fourteen witnesses have been examined. There is little possibility of the trial concluding in the near future. Under such circumstances, co-accused have been enlarged on bail. Hence, 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 parity. 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 **Satya Pandit**, 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, 3rd Court, Howrah 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.)