

27.07.2023
Sl. No.12
akd
[ALLOWED]

C. R. M. (NDPS) 1318 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.07.2023 in connection with Duttapukur Police Station Case No.811 of 2019 dated 31.10.2019 under Section 21(c) of the NDPS Act.

And

In Re: ***Tarunjit Das @ Abhijit Das @ Avijit Das***
... .. Petitioner

Mr. Soujanya Bandyopdhyay
... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Debjani Dasgupta
... .. for the State

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

Learned Advocate for the State opposes the prayer for bail and submits narcotics i.e. 5.4 ltrs. of *codeine mixture*, which is above commercial quantity was recovered from the petitioner.

We have considered the materials on record. Petitioner is in custody for about four years. However, only two witnesses have been examined till date. Prosecution proposes to examine six more witnesses. There is little possibility of the trial concluding in the near future. Delay in the matter is writ large and infracts the fundamental right of the petitioner to speedy trial. 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 ***Tarunjit Das @ Abhijit Das @ Avijit Das***, 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-cum-Additional Sessions Judge, 6th Court, Barasat, 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.)