

11.08.2023

10
sdas
Allowed

C.R.M. (NDPS) No. 1382 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure arising out of Shyampur Police Station Case No. 347 of 2021 dated 02.09.2021 under Sections 20(b)(ii)(c)/29 of the N.D.P.S. Act.

And

In Re : Sahabul Mallick petitioner

Mr. Sabir Ahamed
Mr. Maidul Islam Kayal
Mr. Sumit Naskar

.....for the petitioner

Mr. Saryati Datta

.....for the State

1. Learned Counsel for the petitioner submits he is in custody for about two years. It is also submitted inspite of direction given by this Court in CRM (NDPS) 946 of 2022 trial has not concluded. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Petitioner is in custody for about two years. Inspite of direction given by this Court to conclude trial within six months there is hardly any progress in the matter.

4. Under such circumstances we are constrained to hold fundamental right to speedy trial of the petitioner has been infracted and he is entitled to bail on such score. Bail prayer

on the ground of delay is not fettered by Section 37 of the NDPS Act. Hence, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner 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 NDPS Act, Howrah, subject to conditions that 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.

6. In the event 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.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)