

24.11.2023
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allowed

CRM(NDPS) No. 1639 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dumdum Police Station Case No. 632 of 2020 dated 25.09.2020 under Sections 20(b)(ii)(B)/29 of the NDPS Act.

And

In Re : Rejaual Molla & Ors. petitioners

Mr. Debasis Kar

.....for the petitioners

Mr. Rudradipta Nandy, learned APP

Ms. Sonali Das

..... for the State

1. Report submitted in Court is placed on record.
2. Learned Counsel for the petitioners submits they are in custody for more than three years. It is also submitted there is inordinate delay in trial. They renew their bail prayer.
3. Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the petitioners was rejected on merits in May, 2023.
4. We have considered the materials on record. Petitioners are in custody for more than three years. Till date only one witness has been examined and prosecution proposes to examine eight witnesses. Since rejection of bail by this Court no witness has been examined. We have perused the report filed by the Barrackpore Commissionerate. Report does not give clear timeline for examination of prosecution case. Under such circumstances we are of the opinion fundamental right to speedy

trial of the petitioners has been infracted and they are entitled to bail on this score.

5. Accordingly, we direct that the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Barrackpore, North 24-Parganas, subject to conditions that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioners fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their 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.)