

09.10.2023
tkm/ct 28
sl no. 10

C.R.M. (NDPS) 1643 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Belghoria P.S case no. 556 of 2021 dated 17.8.2021 under sections 21 (c) of the NDPS Act
and

Allowed

In Re : Suddam Hussain @ Raja Ansari @ Saddam Hussain @
Raju Ansari ... petitioner

Mrs. Juin Dutta Chakraborty
..... for the petitioner

Mr. Saryati Datta
..... for the State

1. Petitioner is in custody for more than two years. It is submitted there is delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer. He submits trial is in progress and one witness has been examined.
3. We have considered the materials on record. Petitioner is in custody for more than two years. Only one out of ten witnesses has been examined. There is slow progress in the trial and petitioner is not responsible for the same. Under such circumstances we are of the opinion petitioner has made out a case of breach of his fundamental right to speedy trial and is entitled to bail on this score.
4. Accordingly, the petitioner 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, Barraackpore, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (NDPS) 1643 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)