

12.10.2023
sdas/tkm/ct 28
sl no. 14

C.R.M. (NDPS) 1678 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar P.S case no. 920 of 2020 dated 7.10.2020 under sections 22(b) of the NDPS Act
and

Allowed

In Re : Atul Roy

..... petitioner

Mr. A Karmakar
Mr. A Bhowmick

..... for the petitioner

Mr. Ranabir Roy Chowdhury
Mr. Moinak Gupta

..... for the State

1. Petitioner is in custody for three 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. One witness has been examined.
3. We have considered the materials on record. Though the petitioner is in custody for a considerable period of time, only one out of nine witnesses has been examined. There is slow progress in trial. Witness warrant was issued to ensure attendance.
4. In view of the aforesaid circumstances we are of the opinion further detention of the petitioner would infract his fundamental right to speedy trial and he is entitled to bail on this score.
5. 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, Malda 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.

6. 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.

7. The application being CRM (DB) 1678 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)