

16.10.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1689 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with N Case No.85 of 2019 arising out of Basirhat P.S. Case No.473 of 2019 dated 24.05.2019 under Section 20(1)A/21(c) of the NDPS Act.

In the matter of : **Kurunibala Biswas.**

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Mr. Palash Ch. Majhi.

...for the State.

1. Petitioner is in custody for four years and five months. She submits there is delay in trial. She prays for bail on this score.
2. Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.
3. We have considered the materials on record. Charge was framed in 2021. Till date two out of seven witnesses have been examined. There is slow progress in trial and delay cannot be attributed to the petitioner.
4. Under such circumstances, petitioner has made out a case of breach of her fundamental right to speedy trial and she is entitled to bail on such score.
5. Accordingly, the petitioner viz., **Kurunibala Biswas** 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 the

NDPS Act, Barasat, North 24-Paraganas subject to condition that she 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)