

29.11.2023.
04.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1715 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.06 of 2022 arising out of Contai P. S. Case No.105 of 2022 dated 04.03.2022 under Section 21(b)(i)(c) of the NDPS Act and charge sheet submitted under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : **Sri Gobinda Giri.**

.... Petitioner.

Mr. Sanjib Seth.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Saryati Datta.

...for the State.

1. Petitioner is in custody for about one year and nine months. He submits there is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits trial is in progress.
2. We have considered the materials on record. Only one out of twelve witnesses has been examined. Petitioner is in custody for a considerable period of time. Progress in trial is not appreciable and infracts his fundamental right to speedy justice.
3. Under such circumstances, petitioner is entitled to bail on the ground of inordinate delay in trial. Bail prayer on the ground of inordinate delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.
4. Accordingly, the petitioner viz., **Sri Gobinda Giri** 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, Tamluk, Purba Medinipur subject to condition that he 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.

5. 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 his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)