

20.11.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1758 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.43 of 2021 arising out of Kaliachak P. S. Case No.543 of 2021 dated 24.05.2021 under Section 22(c)/29 of the NDPS Act.

In the matter of : **Sadikul Sk.**

.... Petitioner.

Mr. Tapan Datta Gupta,
Mr. Parvej Anam.

...for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Mainak Gupta.

...for the State.

1. Petitioner is in custody for about two and half years. He submits there is very slow progress in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits large volume of yaba tablets were recovered from the possession of the petitioner.
3. We have considered the materials on record. Allegation against the petitioner is grave and involves possession of narcotics above commercial quantity. But he is in custody for about two and half years and no witness has been examined as yet. Prosecution proposes to examine eight witnesses and there is no possibility of trial concluding in the near future.
4. Under such circumstances, we are constrained to observe petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he is entitled to

bail on this score. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

5. Accordingly, the petitioner viz., **Sadikul Sk** 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, Malda 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.

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 his 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.)