

28.11.2023.
08.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1833 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.32 of 2018 arising out of Chakulia P. S. Case No.225 of 2018 dated 14.10.2018 under Section 18(b) of the Indian Penal Code and adding Sections 21(c)/22 of the NDPS Act.

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

.... Petitioner.

Mr. Pronojit Roy.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjit Kr. Dan.

...for the State.

1. Petitioner is in custody for about five years. In spite of direction given by this Court in CRM (NDPS) 805 of 2023, trial has not completed. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits five witnesses have already been examined.
3. We have considered the materials on record. Petitioner is in custody for more than five years. There is little possibility of trial concluding in the near future. These circumstances prompt us to come to the conclusion that the fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this score alone. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.
4. Accordingly, the petitioner viz., **Dalim 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, Raiganj, Uttar Dinajpur 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.)