

**29.11.2023.**  
**08.**  
**Ct.No.28.**  
**as**  
**(Allowed)**

**C.R.M. (NDPS) 1883 of 2023**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.37 of 2020 arising out of Gangarampur P. S. Case No.201 of 2020 dated 24.06.2020 under Section 22(c)/23(c)/27A/28/29 of the NDPS Act.

In the matter of : **Jayanta Roy @ Jayento Roy.**

.... Petitioner.

Mr. Kaushik Choudhury.

...for the Petitioner.

Mr. Swapan Banerjee,  
Mr. Suman De.

...for the State.

1. Petitioner is in custody for more than three years. He submits there is inordinate delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits six out of fourteen witnesses have been examined.
3. We have considered the materials on record. Though allegation involves recovery of narcotics above commercial quantity i.e. 100 bottles of phensedyl syrup containing codeine phosphate, there is slow progress in trial. Only six witnesses have been examined. Prosecution proposes to examine fourteen witnesses and there is no possibility of trial concluding in the near future. This infracts the fundamental right to speedy trial of the petitioner 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., **Jayanta Roy @ Jayento Roy** 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, Dakshin Dinajpur at Balurghat 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.)**