

10.01.2023.
03.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1475 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.TR 18 of 2017 dated 22.09.2017 under Sections 8(c) of the NDPS Act and under Section 20(b)(ii)(C)/29 of NDPS Act.

In the matter of : Sakhanath Ray @ Sakhanath Roy.

.... Petitioner.

Ms. Sreyashi Chatterjee.

...for the Petitioner.

Mr. Rajendra Banerjee.

...for the NCB.

Petitioner is in custody for more than five years. He prays for bail on the ground of inordinate delay in trial.

Learned Advocate appearing for the NCB opposes the prayer for bail. He submits report. From the report it appears only one witness has been examined. Another witness is partly examined. Possibility of trial concluding in the near future is bleak. Contribution of the petitioner to the delay is minimal.

In view of the aforesaid facts, we are of the view fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on such score.

Accordingly, the petitioner viz., Sakhanath Ray @ Sakhanath 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 N.D.P.S. Act, Howrah 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.

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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)