

15.02.2023

9

sdas

Allowed

C.R.M. (NDPS) No. 1514 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No. N 116 of 2019 arising out of Case No. F. No. VIII (10)67/EXP/CL/BSF/PPU/2019-20 seizure Case No. 10/EXP/CL/BSF/PPU/2019-20 dated 31.01.2019 under Section 21(c) of the N.D.P.S. Act.

And

In Re : Sri Bivuti Biswas petitioner

Mr. Angshuman Chakraborty

Mr. S. S. Saha

.....for the petitioner

Mr. Abhradip Maity

.....for the UOI

Learned Counsel for the petitioner submits he is in custody for more than three years. It is also submitted that there is inordinate delay in trial. He prays for bail.

Learned Counsel for the State submits report.

From the report we note inspite of schedule being fixed for examination of witnesses on 8th and 9th February, 2023 no witness turned up. There is inordinate delay in trial which has infringed the fundamental right to speedy trial of the petitioner. Bail prayer on the ground of delay is not fettered by Section 37 of the NDPS Act. Accordingly, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 NDPS Act, Barasat, North 24-Parganas, subject to conditions that petitioner 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 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.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)