

19.12.2023.

Item No. 46

ap
(Allowed)

C.R.M. (NDPS) 1990 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.12.2023 in connection with Gaighata Police Station Case No. 28 of 2022 dated 09.01.2022 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Gopal Biswas.	...Petitioner
Mr. Angshuman Chakraborty, Mr. S. S. Saha.	...For the petitioner
Mr. Debasish Roy, Id. P.P. Mr. Navanil De.	For the State

1. The petitioner is in custody for two years. He contends that there is delay in trial.
2. Learned Advocate for the State opposes the prayer for bail and contends that one witness has been examined in part.
3. We have considered the materials on record. Bail prayer of the petitioner was rejected earlier in November, 2022. Though a year has passed since then only one witness has been examined in part. Prosecution proposes to examine 14 witnesses. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion that the 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 alone.
4. Therefore, the petitioner, namely, **Gopal Biswas**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 the condition that the said 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 or commit similar offences in future.

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 automatically without reference to this court.

6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)