

19.12.2023.

Item No. 52

ap
(Allowed)

C.R.M. (NDPS) 1997 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.12.2023 in connection with Malipanchghora Police Station Case No. 10 of 2020 dated 08.01.2020 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Hasnain Raza & Anr. ...Petitioners

Mr. Mrityunjoy Chatterjee. ...For the petitioners

Mr. Angshuman Chakraborty.For the State

1. The petitioners are in custody for three years and eleven months. He contends that there is slow progress in trial. He prays for bail.

2. Learned Advocate for the State opposes the prayer for bail and submits that the trial is in progress.

3. We have considered the materials on record. Though the petitioner is in custody for three years and eleven months and only three witnesses have been examined, there is any possibility to trial in near future.

4. Under such circumstances, we are of the opinion that the petitioners have been able to make out a case of breach of their fundamental right to speedy trial and they are entitled to bail on this score.

5. Therefore, the petitioners, namely, Hasnain Raza and Samsuddin Ansari @ Guddu, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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, Howrah subject to the condition that the said petitioners 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.

6. In the event, the petitioners fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)