

21.12.2023
tkm/ct 28
sl no. 32

C.R.M. (DB) 2048 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Jagaddal P.S case no. 628 of 2021 dated 19.8.2021 under sections 21(c) of the NDPS Act
And

Allowed

In Re : Kundan Rajbhar ... petitioner

Mr. T Ghosh

..... for the petitioner

Mr. Debasish Roy, Id PP
Mr. Navanil De

..... for the State

1. Petitioner is in custody for more than two years. He contends there is delay in trial. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Though allegations involve possession of narcotics above commercial quantity i.e. 2.5 kgs codeine mixture, there is slow progress in trial which has infringed the fundamental right of the petitioner to speedy trial and he is entitled to bail on this score.
4. Accordingly, the petitioner 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 Special Judge under NDPS Act Barrackpore, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application being CRM (DB) 2048 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)