

27.02.2023

Sl. No.23

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (NDPS) 144 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Kumargram Police Station Case No.210 of 2018 dated 17.11.2018 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.51 of 2018)

And

In Re: ***Sambhu Banarjee @ Shumbhu Baneerjee @ Sambhu Das***
... .. Petitioner

Mr. Joydeep Kanta Bhowmik
Mr. Sayantan Bhowmik
Mr. Tushar Debnath
Ms. Ritka Sarkar

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor
Mr. Kallol Acharjee
Mr. Biswarup Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further contended there is inordinate delay in trial. He prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Charge was framed in September, 2019. No witness has been examined till date. Under such circumstances, we are constrained to hold fundamental right to speedy trial of the petitioner has been infringed and he may be enlarged on bail. Bail prayer of the petitioner on this score is not fettered under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely ***Sambhu Banarjee @ Shumbhu Baneerjee @ Sambhu Das***, be released on bail upon

furnishing 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 the NDPS Act-cum-Additional Sessions Judge, 1st Court, Jalpaiguri subject to 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.

In the event he 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.

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

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)