

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

01.03.2023.
16/tkm

C.R.M. (NDPS) 145 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Alipurduar P.S case no. 24 of 2018 dated 17.1.2018 under sections 20(b)(ii)(c) of the NDPS Act

Allowed In Re : Gita @ Subha Barman and petitioner

Mr. Anirban Banerjee
Mr. D Mukhopadhyay
..... for the petitioner

Mr. A S Chakraborty
Mr. Arjun Chowdhury
..... for the State

Supplementary affidavit is placed on record.

Petitioner is in custody for more than five years. He prays for bail on the ground of inordinate delay in trial.

Learned lawyer for the State produces records.

We have considered the materials on record. Charge was framed in July 2018. Till date no witness has been examined. There is inordinate delay in trial which has infringed the fundamental right of the petitioner to speedy justice.

Under such circumstances, petitioner is entitled to bail on this score alone. Bail prayer of the petitioner on the ground of inordinate delay is not fettered by restrictions under section 37 of the NDPS Act.

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 Judge, Special Court (under NDPS Act) 2nd Court,

Jalpaiguri 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.

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.

The application being CRM (NDPS) 145 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)