

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

27.02.2023.
40.
as
(Allowed)

C.R.M. (NDPS) 170 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.03 of 2019 arising out of Kotwali P. S. Case No.74 of 2019 dated 03.02.2019 under Sections 20(b)/25 of the Indian Penal Code.

In the matter of : Manjit Singh.

.... Petitioner.

Mrs. Ashima Mandla,
Ms. Anwasha Halder.

...for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Sagnik Sankar Sikdar.

...for the State.

Petitioner is in custody for more than four years. He submits there is inordinate delay in trial. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits over 400 kgs. of ganja was recovered from the petitioner.

We have considered the materials on record. Charge was framed in December, 2019. No witness has been examined. Delay cannot be attributed to the petitioner.

Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this score. Bail prayer on

the ground of delay is not fettered under Section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, the petitioner viz., Manjit Singh shall 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 the NDPS Act, Jalpaiguri subject to condition that he 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 and on further condition petitioner while on bail shall remain within the District of Jalpaiguri and shall provide the address where he shall presently reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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 in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

