

10.03.2023
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**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

C.R.M.(NDPS) 226 of 2023

In Re : An application for of bail under section 439 Cr.P.C in connection with NDPS case no. 16 of 2018 arising out of Seizure case no. 01/NDPS/CL/CUS/P&I/SLG.CC(P) WB/2018-2019 dated 28.4.2018 under sections 20(b)(ii)(c) read with section 29(1) of the NDPS Act

And

Allowed

In re : Bikram Dubeypetitioner

Ms. Ashima Mandla
Mr. D Dhar For the petitioner

Mr. Nilay Chakraborty
Ms. N Das For the State

Mr. Ratan Banik
Ms. N Das For Customs authority

Petitioner is in custody or four years and 11 months. He submits there is inordinate delay in trial. He prays for bail.

Learned lawyer for the Customs submits report with regard to status of the proceeding.

We have considered the materials on record. Petitioner is in custody since 2019. Only one witness has been partly examined. There is little possibility of trial concluding in near future. Though allegations involve possession of narcotic above commercial quantity, there is no explanation for inordinate delay in trial. This has infringed the fundamental right to the speedy trial of the petitioner. Petitioner has not contributed to the delay. Bail prayer

on this score is not fettered by the restrictions under section 37 of the NDPS Act.

Under such circumstances, we are inclined to enlarge the petitioner on bail, however, subject to conditions.

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, 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 and on further condition that petitioner while on bail, shall remain within the district of Jalpaiguri and shall provide the address where he shall presently reside to the investigating agency as well as to the court below. He shall report to the officer in charge of the police station concerned within whose jurisdiction he shall reside while on bail once in a month until further orders.

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) 226 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)