

08.01.2024.
09.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 16 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.101 of 2021 arising out of Jagaddal P. S. Case No.856 of 2021 dated 20.11.2021 under Section 20(b)(ii)(c)/25/29 of the NDPS Act.

In the matter of : **Sanjit Biswas.**

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Sanjoy Bardhan,
Ms. Pritha Paul.

...for the State.

1. Petitioner contends he is in custody for more than two years. He contends there is delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends four witnesses have been examined.
3. We have considered the materials on record. A large volume of narcotics i.e. 301 kgs. of ganja was recovered. But petitioner has suffered incarceration for more than two years and only four witnesses have been examined. Though systemic delays contributed to protraction in trial, such delay cannot be attributed to the defence. Prosecution proposes to examine 15 witnesses in all. There is no possibility of trial concluding in the near future.
4. Under such circumstances, we are of the opinion further detention of the petitioner would infract his fundamental right

to speedy trial under Article 21 of the Constitution of India. He is entitled to bail on this score. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

5. Hence, he may be enlarged on bail.

6. Accordingly, the petitioner viz., **Sanjit Biswas** 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 Chief Judicial Magistrate, Barasat, North 24-Paraganas 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)