

17.01.2024
Sl. No.14
akd
[ALLOWED]

C. R. M. (NDPS) 100 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.01.2024 in connection with Lalgola Police Station Case No.523 of 2021 dated 19.07.2021 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.144 of 2021)

And

In Re: **Goutam Das**

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Ms. Rituparna De Ghose

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about two years and six months. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits witnesses had attended the court on every day.
3. We have considered the materials on record. Though narcotics i.e. 20.5 kgs. of *Ganja*, which is above commercial quantity was recovered from the petitioner, we find he has suffered incarceration for more than 2½ years. Charge came to be framed as late in March, 2023. Thereafter seven witnesses have been examined. Prosecution proposes to examine fourteen witnesses in all. Delay in the matter cannot be attributed to the petitioner. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he is entitled to bail on this score. Bail prayer on the ground of inordinate delay in trial is not

fettered by restrictions under Section 37 of the NDPS Act. Reference in this regard may be made to ***Rabi Prakash vs. The State of Odisha***¹.

4. Therefore, the accused/petitioner, namely ***Goutam 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 District & Sessions Judge, 2nd Court, Berhampore, Murshidabad 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.
5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ 2023 SCC OnLine SC 1109