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Allowed

C.R.M. (NDPS) No. 221 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dum Dum Police Station Case No. 1204 of 2021 dated 10.11.2021 under Section 21(c) of the N.D.P.S. Act.

In Re : Hasem Laskar

And
..... petitioner

Mr. Sarthak Barmanfor the petitioner

Mr. Mainak Gupta
.....for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. Supplementary affidavit has been filed enclosing entire ordersheet in support of his plea.

2. Learned Counsel for the State opposes the bail prayer.

3. We have considered the materials on record. Though over 3 kgs. of Codeine Mixture was recovered from the joint possession of the petitioner and co-accused trial has not commenced as yet. Delay in the matter is not attributable to the petitioner. He is in custody for a considerable period of time and the factual matrix persuade us to hold 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 in trial is not fettered by restrictions under Section 37 of the

NDPS Act as held in ***Rabi Prakash Vs. State of Odisha***¹.

Hence, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 NDPS Act, Barrackpore, North 24-Parganas, subject to condition that 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109