

23.02.2024
Sl. No.13
akd
[ALLOWED]

C. R. M. (NDPS) 358 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.02.2024 in connection with Faridpur Police Station Case No.71 of 2022 dated 25.07.2022 under Sections 20(b)(ii)(c)/29/25 of the NDPS Act. (NDPS Case No.19 of 2022)

And

In Re: **Abhijit Ankure**

... .. Petitioner

Mr. Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Aishwarya Datta

... .. for the petitioner

Ms. Sujata Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about one year and seven months. It is further submitted there is inordinate delay in trial. It is also submitted there is no compliance of Section 52A of the NDPS Act. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits trial is in progress.
3. We have considered the materials on record. Narcotics i.e. 20.9 kgs. of *Ganja* was recovered from the petitioner. Petitioner is in custody for about two years. Only one witness has been examined till date. Prosecution proposes to examine ten witnesses in all. It is also contended there is no compliance of Section 52A of the NDPS Act. 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 ***Abhijit Ankure***, 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 Sessions Judge, 3rd Court, Asansol, Paschim Bardhaman 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