

01.03.2024.  
25.  
Ct.No.28.  
as  
(Allowed)

**C.R.M. (NDPS) 402 of 2024**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection N Case No.215 of 2019 arising out of Habra P. S. Case No.515 of 2019 dated 17.11.2019 under Section 21(c) of the NDPS Act.

In the matter of : **Ujjwal Bhadra.**

.... Petitioner.

Mr. Kamalesh Chandra Saha,  
Ms. Payel Mitra.

...for the Petitioner.

Mr. Arijit Ganguly,  
Mr. Goutam Bhanja.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Though 5.2 ltrs of codeine phosphate are alleged to be recovered from petitioner, he is in custody for about four years. Only one out of eight witnesses has been examined. Petitioner is not responsible for the delay.
3. 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.
4. Hence, he may be enlarged on bail.
5. Accordingly, the petitioner viz., **Ujjwal Bhadra** 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 the NDPS Act, 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.

6. 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.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**