

09.01.2024
Sl. No.10
akd
[ALLOWED]

C. R. M. (NDPS) 1937 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.11.2023 in connection with Asansol North Police Station Case No.196 of 2020 dated 12.08.2020 under Section 20(b)(ii)(c) of the NDPS Act. (NDPS Case No.05 of 2020)

And

In Re: ***Ranjit Karmakar***

... .. Petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh
Mr. Biswajit Tewari

... .. for the petitioner

Mr. Debasish Roy .. Id. Public Prosecutor
Ms. Sreyashee Biswas

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.
2. Report is filed on behalf of the State.
3. We have considered the materials on record. Though a large volume of narcotics i.e. 330.45 kgs. of *Ganja* was recovered from the petitioner and co-accused, we find petitioner has suffered incarceration for more than three years. Only one witness has been examined in part. Prosecution proposes to examine sixteen witnesses in all. There is no 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 ***Ranjit Karmakar***, 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