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Allowed

C.R.M. (NDPS) No. 142 of 2024

In Re : Santosh Ghosh petitioner

And

Mr. Nilay Chakraborty, learned APP
Mr. Kallol Nag
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for more than two years. It is also submitted there is slow progress in trial. He prays for bail.
2. Learned Counsel for the State opposes the bail prayer.
3. We have considered the materials on record. Though 45 bottles of cough syrup containing narcotics which is above commercial quantity was recovered from the petitioner he is in custody for more than two years. These facts disclose slow progress in trial which has infringed his fundamental right to speedy justice under Article 21 of the Constitution of India. 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 Odisha¹. 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-cum-learned Additional Sessions Judge, 2nd court, Siliguri, 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ (2023) SCC Online SC 1109