

Court No. 1

01.05.2024

(JPD 63)

(S. Banerjee)

Calcutta High Court

In the Circuit Bench at Jalpaiguri

Appellate Side

(Allowed)

CRM (NDPS) 174 of 2024

In re: ^c An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri Police Station Case No. 1103 of 2021 dated 08.09.2021 under Sections 21(c)/22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

And

In the matter of: Sahadab Barman

...petitioner

Mr. Arunava Paul

... for the petitioner

Mr. Tapan Bhattacharjee

Mr. Dhiman Sil

... for the State

1. Heard learned counsel for the parties.
2. Prayer for bail has been opposed on behalf of the State.
3. It is submitted on behalf of the petitioner that though similar such prayer of the present petitioner has been turned down on 27th February, 2023 by a co-ordinate Bench of this court, the petitioner is compelled to renew his prayer on account of slow progress of the trial and long incarceration of the present accused-petitioner.
4. On perusal of the entire materials as placed before us, we find that charge-sheet has been submitted on 8th

March, 2022 and out of 15 prosecution witnesses only 2 prosecution witnesses have been examined as per the version of the learned counsel for the State.

5. We thus find that the right to speedy trial of the present accused-petitioner has been violated and he has been able to make out a case for grant of bail on the ground of delay in trial. Delay in trial is not fettered by the restrictions imposed under Section 37 of the NDPS Act in view of the judgement of the Hon'ble Supreme Court in the case of Rabi Prakash – Vs.- The State of Odisha, reported in 2023 SCC Online SC 1109.
6. Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of Rs. 5,000/- each, to the satisfaction of the Learned Judge, Special Court (under NDPS) at Siliguri subject to the condition that he shall regularly appear before the trial court on each and every date of substantive hearing until further orders subject to the provision of Section 317 Cr.P.C. with a further condition that the petitioner shall not involve himself with same type of offence in future.
7. In the event the petitioner fails to appear before the trial court without any justifiable cause or violates any condition given above, the trial court shall be at liberty

to cancel the bail of the petitioner in accordance with law without further reference to this court.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)