

09.12.2022
Sl. No.4
akd
[ALLOWED]

C. R. M. (NDPS) 1383 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.11.2022 in connection with Bizpur Police Station Case No.706 of 2018 dated 24.12.2018 under Sections 21(c)/29 of the NDPS Act.

And

In Re: ***Arsad Ali Mondal & Anr.***

... .. Petitioners

Pursuant to our earlier direction, Investigating officer is personally present before this court with the report. His presence is noted and dispensed with.

Petitioners are in custody for more than four years. They pray for bail due to inordinate delay in the trial of the case.

Report is placed on record. It appears from the report though charge was framed in January, 2021, only two witnesses have been examined till date. There is little possibility of the trial concluding in the near future.

In view of the aforesaid circumstances, we are of the opinion there is inordinate delay in the trial which has infringed the fundamental right to speedy trial of the petitioners. Plea for bail on such score is not circumscribed by restrictions under Section 37 of the NDPS Act.

Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the accuseds/petitioners is not necessary and they may be enlarged on bail however, subject to strict conditions.

Therefore, the accuseds/petitioners, namely ***(1) Arsad Ali Mondal & (2) Choton Sil***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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, Barrackpore, North 24-Parganas subject to condition that the said petitioners 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 and on further condition that the petitioners, while on bail, shall not leave the jurisdiction of Bizpur Police Station and Ranaghat Police Station (except for the purpose of attending court proceedings) until further orders and shall report to the Officers-in-charge of the concerned police stations once in a week until further orders.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)