

23.12.2022
Sl. No.9
akd
[ALLOWED]

C. R. M. (NDPS) 1528 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.12.2022 in connection with Durgapur Police Station Case No. 386 of 2018 dated 13.08.2018 under Sections 21(c)/29 of the NDPS Act read with Section 120B of the Indian Penal Code and Sections 25(1B)(a)/35 of the Arms Act.

And

In Re: ***Dipak Singh***

... .. Petitioner

Mr. Suman De

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than four years. It is further submitted no narcotic substance was recovered from his possession. There is slow progress in the trial of the case.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner has criminal antecedents. Call Data Records (CDRs.) of petitioner and co-accused show active communication at the time of commission of the offence.

We have considered the materials on record. There are some materials which prima facie give an impression of involvement of the petitioner in the conspiracy. However, he is in custody for more than four years. 4 out of 33 witnesses have been examined. There is little possibility of the trial concluding in the near future. In view of the protracted period of detention suffered by the petitioner and the inordinate delay in progress of trial which infracts his fundamental right to speedy trial under Article 21 of the Constitution of India, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions .

Therefore, the accused/petitioner, namely ***Dipak Singh***, 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 3rd Court under the NDPS Act, Purba 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Kulti Police Station except for the purpose of attending court proceedings and shall report to the Officer-in-charge of the said police station once in a week until further orders.

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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)