

05.01.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 5 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.17 of 2020 arising out of Raninagar P. S. 69 of 2020 dated 21.01.2020 under Sections 21(c) of the NDPS Act.

In the matter of : Bapi Sk.

.... Petitioner.

Mr. S. Das Mahapatra,
Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for about three years. He submits he has been falsely implicated in the instant case. His signature does not appear on the seizure memorandum. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statements of witnesses and other attending circumstances prima facie show the presence of the petitioner at the place of occurrence at the time of recovery. Hence, there are materials against the petitioner.

However, we are impressed by the submission of the petitioner there is inordinate delay in trial. He is behind bars for about three years. Though charges were framed two years ago, no explanation is forthcoming for the inordinate delay. Examination of the prosecution witnesses is yet to commence.

Bail prayer of the petitioner on the score of inordinate delay infracting right to speedy trial is not fettered under Section 37 of the NDPS Act.

Hence, we are inclined to grant bail to the petitioner on this score, subject to strict conditions.

Accordingly, the petitioner viz., Bapi Sk. 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 the NDPS Act, Murshidabad at Berhampore subject to condition that he 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 petitioner while on bail shall remain within the jurisdiction of Raninagar Police Station except for the purposes of attending court proceeding and report to the Officer-in-charge of Raninagar Police Station once in a week until further orders.

In the event the 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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

