

07.02.2023.
06.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 103 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.223 of 2018 arising out of Raninagar P. S. Case No.379 of 2018 dated 11.08.2018 under Sections 21(c)/29 of the NDPS Act.

In the matter of : Rabiul Sheikh @ Rubel @ Rabiul Seikh.
.... Petitioner.

Mr. Tapodip Gupta.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for four years and five months. He submits there is inordinate delay in trial. He renews his prayer for bail.

Learned Advocate for the State opposes the bail prayer. Affidavit is filed on behalf of the investigating agency. From the report, it appears that charge was framed in November, 2019. True, witnesses could not be examined due to pandemic conditions in 2020. But in 2021 and 2022 though a number of schedules were fixed, only 6 out of 21 witnesses have been examined. Possibility of trial concluding in the near future is a far cry.

In this factual backdrop, petitioner's right to speedy trial appears to have been infringed. He is entitled to bail on this score alone. Bail prayer on the ground of delay in trial is not fettered under Section 37 of the NDPS Act.

Accordingly, the petitioner viz., Rabiul Sheikh @ Rubel @ Rabiul Seikh 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 N.D.P.S. 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.

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.)