

13.02.2023.
15.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 185 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Special Case No.15 of 2018 arising out of NCB Crime No.15/NCB/KOL/2018 dated 12.03.2018 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

In the matter of : Ramesh Swain @ Gandua.

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chatterjee,
Mr. Pronay Basak.

...for the Petitioner.

Mr. Kallol Mondal.

...for the NCB.

Petitioner is in custody for about four and half years. He submits no narcotics was recovered from his possession. There is inordinate delay in trial. He renews his prayer for bail.

Learned Advocate for the NCB opposes the bail prayer. Report is filed on behalf of the NCB.

We have considered the materials on record. From the materials on record, it appears only one witness has been examined in full. Another witness has been examined in part. 10 witnesses are proposed to be examined and it is left to one's imagination when the trial would finally conclude. No narcotics was recovered from the petitioner. His complicity has transpired from call detail records. No other corroborative material for example, money trail between the accuseds is placed on record.

Keeping in mind the extent of complicity of the petitioner in the crime and the protracted period of detention suffered by him which infracts his fundamental right to speedy trial, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Ramesh Swain @ Gandua 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, Purba Bardhaman 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 that the petitioner while on bail shall remain with the District of Purba Bardhaman except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside 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.)

