

C. R. M. (NDPS) 189 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.01.2023 in connection with NDPS Case No.09 of 2016 corresponding to F. No. SI(VII)10/2016 AIU Case No. N-9/2016 under Sections 20(b)(ii)(c)/23(c)/8 of the NDPS Act.

And

In Re: **Soukat Sekh**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
... .. for the petitioner

Ms. Rajashree Venkat Kundalia
Mr. Tapan Bhanja
... .. for the Customs

It is submitted on behalf of the petitioner that he is in custody for more than seven years. It is further contended there is inordinate delay in trial. He prays for bail.

Learned Advocate for the Customs authorities opposes the prayer for bail and submits some of the witnesses have been examined.

We have considered the materials on record. Till date, three witnesses have been fully examined. Examination of the fourth witness is in progress. Keeping in mind the slow progress in the trial and the protracted period of detention suffered by the petitioner, we are of the opinion his fundamental right to speedy trial has been infringed. Bail prayer of the petitioner on this score is not fettered under Section 37 of the NDPS Act. Under such circumstances, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner, namely **Soukat Sekh**, 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 Court

under the NDPS Act-cum-Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas 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.

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.)