

09.02.2023
Sl. No.2
akd
[ALLOWED]

C. R. M. (NDPS) 225 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.02.2023 in connection with Jalangi Police Station Case No. 414 of 2020 dated 30.01.2020 under Sections 21(c)/29 of the NDPS Act and Section 25(1)(a) of the Arms Act.

And

In Re: ***Ripon Mondal***

... .. Petitioner

Ms. Shabana Hasin

... .. for the petitioner

Mr. Sanjay Bardhan
Mr. Palash Ch. Majhi

... .. for the State

It is submitted on behalf of the petitioner that he is aged below 18 years. He is being tried as an adult. He has suffered incarceration for more than three years. No witness has been examined.

Learned Advocate for the State opposes the prayer for bail and submits petitioner was below 18 years at the time of occurrence. He was initially referred to the Board. Thereafter, the Board directed him to be tried as an adult. Trial of co-accused has considerably progressed.

We have considered the materials on record. Petitioner was below 18 years at the time of occurrence. He is in custody for more than three years. Though he is being tried as an adult, no witness has been examined till date. Inordinate delay in trial infracts the fundamental right of the petitioner to speedy justice under Article 21 of the Constitution of India. In view of the young age of the petitioner and the inordinate delay in trial, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Ripon Mondal***, 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, Berhampore, Murshidabad 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.)