

C. R. M. (NDPS) 295 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.02.2023 in connection with Liluah Police Station Case No. 129 of 2019 dated 12.06.2019 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Sakir Sekh @ Ram & Anr.***

... .. Petitioners

Mr. Jisan Iqbal Hossain

... .. for the petitioners

Mr. Swapan Banerjee

Mr. Suman De

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for more than three years. It is further submitted there is slow progress in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Charge was framed in February, 2020. Thereafter, a number of schedules were fixed but no witnesses turned up. There is inordinate delay in trial infracting fundamental right of the petitioners to speedy justice. Under such circumstances, we are inclined to grant bail to the petitioners.

Therefore, the accused/petitioners, namely ***(1) Sakir Sekh @ Ram & (2) Ibrahim Ali @ Sk.***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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, Howrah subject to condition that the said petitioners 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 they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)