

13.03.2023
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allowed

CRM (NDPS) No. 305 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampore Police Station Case No. 443 of 2018 dated 11.09.2018 under Sections 21(C)/29 of the NDPS Act.

And

In Re : Rakib Sk. petitioner

Ms. Shabana Hasin

.....for the petitioner

Mr. T. D. Nandy

Mr. Antarikhya Basu

..... for the State

Learned Counsel for the petitioner submits he is in custody for more than four years. It is also submitted there is inordinate delay in trial.

Learned Counsel for the State opposes the prayer for bail and submits report. Let the report be kept with record.

We have considered the materials on record. Though petitioner is in custody for more than four years, only two witnesses have been examined. Progress in the trial is tardy.

Under such circumstances and in view of protracted period of detention suffered by the petitioner which infracts his fundamental right to speedy trial we are inclined to grant bail to him. Bail prayer of the petitioner on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

Accordingly, we direct that the petitioner 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 NDPS Act, Berhampore, Murshidabad, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)