

20.02.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 308 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.52 of 2018 arising out of Uttarpura P.S. Case No.725 of 2018 dated 28.09.2019 under Section 20(b)(ii)(c) of the NDPS Act.

In the matter of : Rohit Kumar Singh.

.... Petitioner.

Mr. Syed Shamsul Arefin,
Ms. Kaniz Kulsum.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.
Mr. Arani Bhattacharyya.

...for the State.

Petitioner is in custody for more than four years. It is submitted there is inordinate delay in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer. Trial is in progress.

We have considered the materials on record. Though petitioner is in custody for more than four years, only five out of 15 witnesses have been examined.

Keeping in mind the slow progress in trial and the protracted period of detention suffered by the petitioner, we are of the opinion there is little possibility of trial concluding in the near future. Petitioner did not contribute to the delay.

Under such circumstances, we are of the opinion petitioner has been able to make out a case of infraction of his fundamental right to speedy trial. Bail prayer of the petitioner

on the ground of delay in trial is not fettered under Section 37 of the NDPS Act and he may be enlarged on bail.

Accordingly, the petitioner viz., Rohit Kumar Singh 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 Additional Sessions Judge cum Judge, Special Court under the NDPS Act, Hooghly subject to condition that the 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.

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.)