

23.03.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 469 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.03.2023 in connection with Jagacha Police Station Case No.08 of 2020 dated 14.01.2020 under Sections 20(b)(ii)(c)/29 of the NDPS Act.

And

In Re: ***Roshan Kumar Singh @ Karan Singh @ Rocky Singh***
... .. Petitioner

Mr. Soumya Basu Roy Chowdhuri
... .. for the petitioner

Mr. Sanjay Bardhan
Mr. C. R. Ghosh
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted there is inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though petitioner is in custody for more than three years, charge has been framed in May, 2022 and only one witness has been examined in part. Prosecution proposes to examine ten witnesses. Under such circumstances, we are of the opinion fundamental right to speedy trial of the petitioner has been infringed and he is entitled to bail on this score. Bail prayer on the ground of inordinate delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

Therefore, the accused/petitioner, namely ***Roshan Kumar Singh @ Karan Singh @ Rocky Singh***, 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 District & Sessions Judge, 3rd Court, Howrah 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.)