

30.03.2023
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 578 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.03.2023 in connection with Raninagar Police Station Case No.266 of 2020 dated 25.07.2020 under Sections 20(c)/29 of the NDPS Act. (NDPS Case No.178 of 2020)

And

In Re: ***Mirjahan Sheikh @ Mirjahan Sk. @ Mirajahan Sk.***
... .. Petitioner

Mr. Tapodip Gupta
... .. for the petitioner

Mr. Ranadeb Sengupta
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about two years and eight months. Charge has not been framed. He prays for bail on the ground of inordinate delay in trial.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. 110 kgs. of *Ganja* was recovered. Though the allegations are grave, petitioner has suffered incarceration for about three years and charge has not been framed. Delay in the matter cannot be attributed to the petitioner. The aforesaid factual matrix portrays breach of fundamental right to speedy justice of the petitioner and he is entitled to bail on such 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 ***Mirjahan Sheikh @ Mirjahan Sk. @ Mirajahan Sk.***, 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 Judge, 2nd Court, 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.)