

31.03.2023.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 618 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection Special Case No.28 of 2021 arising out of Kaliachak P. S. Case No.314 of 2021 dated 16.03.2021 under Sections 21(c)/29 of the NDPS Act and Sections 25(i)(a)/35 of the Arms Act.

In the matter of : Rintu Rajak.

.... Petitioner.

Mr. Mazhar Hossain Chowdhury.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

Petitioner is in custody for more than two years. He submits there is slow progress in trial. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Though allegations involved recovery of 250 grams of heroin and a fire arm, we note there is slow progress in the matter. Petitioner is in custody for more than two years. Charge was framed only in May, 2022 and no witness has been examined as yet. Prosecution proposes to examine 18 witnesses and there is no possibility of trial concluding in the near future.

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

Accordingly, the petitioner viz., Rintu Rajak 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, 3rd Court under the NDPS Act, Malda subject to condition that he 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.)