

18.04.2023
Sl. No.5
akd
[ALLOWED]

C. R. M. (NDPS) 679 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2023 in connection with Muchipara Police Station Case No.60 of 2018 dated 16.02.2018 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.07 of 2018)

And

In Re: ***Rubel Sheikh***

... .. Petitioner

Mr. Sourav Chatterjee
Mr. Joy Chakraborty
Mr. Sandip Dinda

... .. for the petitioner

Mr. Ranadeb Sengupta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than five years. It is further submitted there is inordinate delay in trial. Accordingly, he prays for bail.

Report is placed on record.

We have considered the materials on record including the report. In spite of direction given by this court to conclude the trial at an early date in CRR 1623 of 2019, we note trial has not progressed with sufficient expedition. Even if one discounts the pandemic condition prevailing in 2021, the progress in trial thereafter was tardy and only four witnesses have been examined till date. Prosecution proposes to examine four more witnesses. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of fundamental right to speedy trial 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 ***Rubel Sheikh***, 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, Bench-I, City Sessions Court, Calcutta 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the district of Malda except for the purpose of attending court proceedings and shall report to the Officer-in-charge, Kaliachak Police Station once in a week until further orders.

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.)