

20.04.2023.
01.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 722 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Spl Case No.15 of 2018 arising out of NCB Crime No.15/NCB/KOL/2018 dated 12.03.2018 under Sections 20(b)(ii)(C)/29 of the NDPS Act.

In the matter of : Rajaul @ Rejaul Seikh.

.... Petitioner.

Mr. Manas Kr. Das.

...for the Petitioner.

Mr. Dipankar Dandapath,
Mr. Subrata Santra.

...for the NCB.

Petitioner is in custody for more than five years. It is contended there is slow progress in trial. He renews his bail prayer.

Learned Advocate for the State opposes the bail prayer. He submits report. From the report, it appears on a number of days the prosecution witnesses failed to appear. Only two witnesses out of 10 have been examined till date. Delay in the matter cannot be attributed to the prosecution.

Keeping in mind the aforesaid facts, 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.

Accordingly, the petitioner viz., Rajaul @ Rejaul Seikh 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 Judge,

Special Court under the NDPS Act, Purba Bardhaman 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 and on further condition that the petitioner, while on bail, shall remain within the District of Birbhum except for the purposes of attending court proceeding and report to the Officer-in-charge, Sainthia Police Station once in a week until further orders.

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.)