

17.04.2023.
12.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 752 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with TR 02 of 2016 arising out of Muchipara P. S. Case No.27 of 2016 dated 02.05.2016 under Sections 20b(ii)c of the NDPS Act.

In the matter of : Nurepha Bibi @ Muyefa Bibi.
.... Petitioner.

Mr. Anirban Chakraborty.
...for the Petitioner.

Mr. Madhusudan Sur,
Mr. Dipankar Paramanick.
...for the State.

Petitioner is in custody for more than seven years. She submits trial has not concluded. She prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits trial has commenced. Next date for recording evidence is fixed on 26th April , 2023.

We have considered the materials on record which show recovery of narcotics above commercial quantity but petitioner is in custody for more than seven years and trial has not concluded as yet.

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 by restrictions under Section 37 of the NDPS Act. Hence, she may be enlarged on bail.

Accordingly, the petitioner viz., Nurepha Bibi @ Muyefa Bibi 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, Bench I, Bichar Bhawan, Kolkata subject to condition that she 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 Municipal limits of Kolkata and shall provide the address where she shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction she shall reside 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 her 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.)

