

12.07.2023
Sl. No.8
akd
[ALLOWED]

C. R. M. (NDPS) 1014 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.05.2023 in connection with NDPS Case No.291 of 2017 arising out of NCB Crime No.62/NCB/KOL/2017 dated 12.12.2017 under Sections 22(c)/29 of the NDPS Act.

And

In Re: ***Rhythm Das Ray @ Rhythm Das Roy***

... .. Petitioner

Mr. Bikash Ranjan Bhattacharya .. Sr. Advocate
Mr. Sahid Imam
Mr. Ramashis Mukherjee
Mr. D. M. Chowdhury
Mr. Soumitra Das Roy
Mr. S. Mukherjee

... .. for the petitioner

Mr. Kallol Mondal
Mr. Uttam Basak

... .. for the NCB

It is submitted on behalf of the petitioner that he is in custody for about five years and six months. It is further submitted there is inordinate delay in trial. Co-accused viz. Kamlesh Baste @ Kamlesh Panditrao Baste has been enlarged on bail. Accordingly, he prays for bail.

In view of the aforesaid submission, report was called for from the NCB with regard to the role of the petitioner vis-à-vis Kamlesh Baste @ Kamlesh Panditrao Baste.

Report is placed on record. Learned Advocate for the NCB submits trial is at its fag-end.

We have considered the materials on record including the report. Kamlesh Baste @ Kamlesh Panditrao Baste had purchased narcotics through dark web by use of bitcoin. Petitioner is alleged to have been involved in the supply of narcotics. Money trail with regard to the transaction is routed through the petitioner. Be that as it may, he

has suffered detention for more than 5½ years. Delay in the matter cannot be attributed to the petitioner. Under such circumstances, we are of the opinion petitioner has been able to make out a case of breach of his fundamental right to speedy trial and he is entitled to bail on this score alone. 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 ***Rhythm Das Ray @ Rhythm Das Roy***, be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty 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 & Sessions Judge, 6th Court, Barasat, North 24-Parganas 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 municipal limits of the city of Kolkata except for the purpose of attending court proceedings and shall report to Tapan Singha, Investigating officer, Narcotics Control Bureau, KZU, Plot No. DJ-2, Street No.321, P.O. New Town, Action Area-III, New Town, Rajarhat, Kolkata-700160 once in a week until further orders. He shall deposit his passport before the trial court prior to his release.

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.)

