

11.10.2023.
01.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1616 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.85 of 2018 arising out of Jibantala P.S. Case No.401 of 2018 dated 07.09.2018 under Sections 21(C)/24/29 of the NDPS Act.

In the matter of : **Rasida Sk.**

.... Petitioner.

Mr. Sekhar Kr. Basu, Id. Sr. Adv.,
Mr. Kusal Kr. Mukherjee,
Ms. Suchismita Dutta,
Ms. Pranidhi Singh.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

1. Petitioner is in custody for more than five years. He submits there is delay in trial. She prays for bail on such score.
2. Report is placed on record. From the report it appears one witness has been examined in full and another witness has been examined in part. It is contended on behalf of the State bail prayer of the co-accused was rejected earlier.
3. We have considered the materials on record. Petitioner is in custody for more than five years. Only one witness has been examined in full. Another witness has been examined in part. Though some part of the delay was due to abscondence of co-accused, it is undeniable that the trial has not proceeded at the desired pace. Petitioner has suffered incarceration for more than five years and there is little possibility of trial concluding in the near future.

4. Under such circumstances, we are inclined to grant bail to the petitioner subject to conditions.

5. Accordingly, the petitioner viz., **Rasida Sk.** 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 District and Sessions Judge, 4th Court-cum-Learned Judge, Special Court under the NDPS Act, Alipore, South 24-Paraganas 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 Jibantala Police Station except for court proceeding and report to the Officer-in-charge of Jibantala Police Station once in a week until further orders.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)