

16.10.2023.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1704 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No.577 of 2021 dated 04.06.2021 under Section 21(C)/29 of the NDPS Act.

In the matter of : **Taslim.**

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Ranadeb Sengupta.

...for the State.

1. Petitioner is in custody for two years and four months.

He submits there is inordinate delay in trial. He prays for bail.

2. Learned Advocate for the State opposes the prayer for bail. He contends delay was contributed by co-accused who had absconded

3. We have considered the materials on record. Petitioner is in custody for two years and four months. Charge was framed in December, 2022. Though a number of dates were fixed, no prosecution witness was present. This shows casual indifference on the part of the prosecution to proceed with the trial expeditiously. None of the accused including the petitioner are responsible for this delay. At this pace, there is little possibility of trial concluding in the near future. Investigation is complete. Petitioner has made out a case of breach of his fundamental right to speedy trial and he is entitled to bail on such score.

4. Accordingly, the petitioner viz., **Taslim** 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, Malda 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.

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 his 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.)