

19.10.2023
tkm/ct 28
sl no. 37

C.R.M. (DB) 4135 of 2023

In Re : An application under section 439 of the Code of Criminal Procedure in connection with DRI seizure case no. 1/CL/IMP/DRI/BRM/2017-18 dated 4.11.2017 under sections 135 of the Customs Act read with section 489(B) and 489(C) IPC
and

Allowed

In Re : Asikul Sk @ Asikul Seikh petitioner

Mr. K Saha

..... for the petitioner

Mr. S G Mukherjee, Id PP

..... for the State

1. Petitioner is in custody for six years. He contends inspite of direction given by this Court to conclude trial within six months in 2020, trial has not concluded. He prays for bail.

2. Learned lawyer for the UOI opposes the bail prayer. He contends large volume of fake Indian currency notes were recovered from the petitioner. Trial is in progress.

3. We have considered the materials on record. Though allegations involve trafficking in fake currency, offences even if proved would not attract mandatory life imprisonment. Petitioner has suffered incarceration for more than six years. There is little possibility of trial concluding in the near future. Accordingly his bail prayer may be considered in the light of the breach of his fundamental right to speedy trial and he may be enlarged on bail, however subject to conditions.

4. Accordingly, the petitioner 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 CJM Murshidbad at Berhampore on condition that the petitioner shall appear before the trial court on every date of hearing 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 Malda except for attending the court proceeding and shall report to the Officer-in-Charge of Kaliachak police station once in a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

6. The application being CRM (DB) 4135 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)