

20.11.2023.
07.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1757 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection NDPS Case No.46 of 2022 arising out of Domkal P. S. Case No.72 of 2022 dated 05.02.2022 under Section 21(c)/29 of the NDPS Act.

In the matter of : **Rony Khan @ Rani Khan.**

.... Petitioner.

Mr. Anisur Rahman.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Koushik Kundu.

...for the State.

1. Petitioner is in custody for about one year and nine months. He submits there is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He contends date has been fixed for recording evidence.
3. We have considered the materials on record. Though recovery from the petitioner is above commercial quantity, there is delay in trial. It is also noted prosecution proposes to examine nine witnesses and it cannot be said the trial would conclude in the near future.
4. 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. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act.

5. Accordingly, the petitioner viz., **Rony Khan @ Rani Khan** 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, 5th Court, Barhampore, Murshidabad 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.)