

22.11.2023

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Allowed

C.R.M. (NDPS) No. 1867 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 111 of 2021 dated 31.01.2021 under Sections 22(c)/29 of the NDPS Act.

And

In Re : Mukteazam @ Ismail Sk. petitioner

Mr. Amarendra Chakraborty
Mr. Argha Banerjee

.....for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

....for the State

1. Learned Counsel for the petitioner submits he is in custody for about three years. There is slow progress in trial. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected in April, 2023.

3. We have considered the materials on record. Petitioner is in custody for about three years. Since rejection of bail by this Court in April, 2023 only one witness has been examined. Prosecution proposes to examine 12 witnesses in all. There is little possibility of trial concluding in the near future. Under such circumstances we are of the opinion petitioner has been able to make out a case of infraction of his fundamental right to speedy trial and is entitled to bail on this score. Accordingly, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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, ADJ, 4th Court, Malda, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)