

20.12.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (NDPS) 2013 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2023 in connection with Dalkhola Police Station Case No.157 of 2021 dated 12.08.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.62 of 2021)

And

In Re: ***Kaide Ajam***

... .. Petitioner

Md. Nawaz Rahber
Mr. Muhammad Jawwad

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 860 days. It is further submitted there is inordinate delay in trial. No witnesses have been examined till date. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Though petitioner is in custody for a considerable period of time, there is no appreciable progress in trial. Delay in the matter cannot be attributed to the petitioner. 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 inordinate delay in trial is not fettered by restrictions under Section 37 of the NDPS Act. Reference in this regard may be made to ***Rabi Prakash vs. The State of Odisha***¹.

¹ 2023 SCC OnLine SC 1109

4. Therefore, the accused/petitioner, namely ***Kaide Ajam***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only), 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, 1st Court, Raiganj, Uttar Dinajpur subject to condition that the said petitioner 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 or commit similar offences in future.
5. In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)