

10.01.2023.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1543 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.32 of 2020 arising out of Murshidabad P.S. Case No.90 of 2020 dated 12.02.2020 under Sections 21(C) of the NDPS Act.

In the matter of : Rafikul Islam.

.... Petitioner.

Mr. Mirza Firoj Ahmed Begg,
Ms. Rita Patra,
Ms. Pusmita Das,
Mr. Abdul Momen.

...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharyya.

...for the State.

Petitioner is in custody for about three years. There is very slow progress in the matter. He renews his prayer for bail.

Learned Advocate appearing for the State opposes the prayer for bail and submits report. Perusal of the report shows charge has not yet been framed. There is inordinate delay in the case which infracts the fundamental right to speedy trial of the petitioner. Petitioner has not contributed to delay.

In view of the above circumstances, we are of the opinion petitioner is entitled to be released on bail on the ground of inordinate delay.

Accordingly, the petitioner viz., Rafikul Islam 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 N.D.P.S. Act, Murshidabad at Berhampore 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.

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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)