

21.12.2023
tkm/ct 28
sl no. 39

C.R.M. (NDPS) 2055 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raninagar P.S case no. 353 of 2021 dated 29.7.2021 under sections 21(c)/29 of the NDPS Act
And

Allowed

In Re : Rafikul Sk @ Rafikul Islam ... petitioner

Mr. T Gupta
Mr. S Bhanja

..... for the petitioner

Mr. Sandip Chakraborty

..... for the State

1. Petitioner is in custody for more than two years. He contends no witness has been examined. There is slow progress in trial. He prays for bail.
2. Learned lawyer for the State submits date has been fixed for recoding evidence.
3. We have considered the materials on record. Though petitioner is in custody for more than two years no witness has been examined till date. This shows slow progress in trial which has infringed the fundamental right of the petitioner to speedy trial. There is no possibility of trial concluding in the near future. Under such circumstances we are inclined to grant bail to the petitioner.
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 Special Judge under NDPS Act-cum-Additional District and Sessions Judge, 2nd Court at Berhampore, Murshidabad 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.

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) 2055 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)