

01.02.2024

14
sdas
Allowed

C.R.M.(NDPS) No. 204 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 82 of 2021 dated 17.02.2021 under Section 21(c) of the NDPS Act.

And

In Re : Rajesh Sekh petitioner

Ms. Shabana Hasin

... for the petitioner

Mr. Koushik Kundu

... for the State

1. Learned Counsel for the petitioner submits there is slow progress in trial. He renews his bail prayer on the ground of delay in trial.

2. Learned Counsel for the State opposes the prayer for bail and submits bail prayer of the petitioner was rejected earlier in March, 2023 and thereafter charge has been framed.

3. We have considered the materials on record. 100 bottles of Phensedyl Syrup were recovered from the petitioner. His bail prayer was rejected on merits in March, 2023. He has prayed for bail on the ground of delay in trial. It is submitted on behalf of the State, since rejection of bail by this Court charge has been framed. Be that as it may, we note prosecution failed to bring witnesses on a number of dates during the schedules fixed for recording evidence. This shows indifferent attitude of the prosecution to conduct trial with expedition. Petitioner is

not responsible for the delay. 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 under NDPS Act-cum-learned Additional District and Sessions Judge, 2nd Court, Berhampore, Murshidabad, subject to conditions 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.

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 in accordance with law without further reference to this Court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)