

19.02.2024.
26.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 323 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.31 of 2018 arising out of STF Police Station Case No.15 of 2018 dated 08.09.2018 under Sections 22(C)/29 of the NDPS Act.

In the matter of : **Raju Ahmed.**

.... Petitioner.

Mr. Arnab Chatterjee,
Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Jaydeep Biswas.

...for the State.

1. Petitioner is in custody for more than five years. He contends only one prosecution witness has been examined in part. On the score of delay, co-accused have been enlarged on bail. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends petitioner is a Bangladeshi national. 189 gms. of yaba tablets were recovered from him and co-accused.

3. We have considered the materials on record. Petitioner is in custody for more than five years. Though it is contended petitioner is a Bangladeshi national, no charge under Section 14 of the Foreigners Act has been filed before the trial court. In spite of protracted detention, prosecution has examined only one witness in part. Delay in the matter cannot be attributed to the defence. Under such circumstances, co-accused have been enlarged on bail.

4. Right to speedy trial enshrined under Article 21 of the Constitution of India is available to every person including a

foreign national. In the light of the aforesaid, we are of the opinion petitioner though a foreign national is entitled to similar treatment on the score of delay in trial as an Indian citizen.

5. Hence, we are inclined to enlarge the petitioner on bail subject to strict conditions.

6. Accordingly, the petitioner viz., **Raju Ahmed** 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 Special Judge, City Sessions Court, NDPS Act, Calcutta 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 or commit similar offences in future and on further condition that the petitioner while on bail shall remain within the Municipal limits of Kolkata except for the purpose of court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge, STF Police Station once in a month until further orders. He shall also provide details of every electronic gadget including the mobile phone which is in his possession and use to the investigating agency.

7. In the event 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)