

11.03.2024
Sl. No.7
akd
[ALLOWED]

C. R. M. (NDPS) 320 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.02.2024 in connection with Raninagar Police Station Case No.436 of 2019 dated 30.08.2019 under Sections 326/307/34 of the Indian Penal Code, Sections 25/27 of the Arms Act and Section 21(c) of the NDPS Act. (NDPS Case No.168 of 2019)

And

In Re: ***Lalon Sk. @ Lalan Sk.***

... .. Petitioner

Ms. Chandrima Debnath

... .. for the petitioner

Mr. Pravas Bhattacharya
Mr. Palash Ch. Majhi

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about four years and six months. It is further submitted there is slow progress in trial. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail and submits three witnesses have already been examined. Bail prayer of the petitioner was rejected in January, 2024.
4. We have considered the materials on record. Petitioner is in custody more than four years. There is slow progress in trial. Only three witnesses have been examined till date. Prosecution proposes to examine twenty witnesses. There is no possibility of trial concluding in the near future. 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.

5. Therefore, the accused/petitioner, namely ***Lalon Sk. @ Lalan Sk.***, 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, Berhampore, Murshidabad 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)

¹ 2023 SCC OnLine SC 1109