

23.02.2024
Sl. No.11
akd
[ALLOWED]

C. R. M. (NDPS) 356 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2024 in connection with Kandi Police Station Case No.151 of 2021 dated 12.03.2021 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.51 of 2021)

And

In Re: ***Ritck Roson Singh @ Rittik Hosain Sing @ Raju Das & Anr.***
... .. Petitioners

Mr. Kingsuk Mondal

... .. for the petitioners

Mr. Shibaji Kumar Das

... .. for the State

1. It is submitted on behalf of the petitioners that they are in custody for about three years. It is further submitted there is inordinate delay in trial. Accordingly, they pray for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits five witnesses have already been examined.
3. We have considered the materials on record. Narcotics i.e. over 9 ltrs. of *codeine mixture*, which is above commercial quantity was recovered from the petitioners. However, they have prayed for bail on the ground of delay in trial. Petitioners are in custody for about three years. Five witnesses have been examined till date. Prosecution proposes to examine twelve witnesses in all. Delay in the matter cannot be attributed to the petitioners. There is little possibility of trial concluding in the near future. Under such circumstances, we are of the opinion petitioners have been able to make out a case of breach of their fundamental right to speedy trial and they are 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.

4. Therefore, the petitioners, namely ***(1) Ritck Roson Singh @ Rittik Hosain Sing @ Raju Das & (2) Dilpa Singh @ Dilpa Sing***, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten thousand only) each, 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-cum-Additional District & Sessions Judge, 2nd Court, Berhampore, Murshidabad subject to condition that the said petitioners 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.
5. In the event they fail to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

¹ 2023 SCC OnLine SC 1109