

16.
16-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1056 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with NCB 06/NCB/KOL/2020 under Sections 8(c)/20(b)(ii)(C)/29/35 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Vikash Kumar Singh @ Bikash Singh
.... Petitioner.

Mr. Soumya Basu Roy Chowdhuri
... For the Petitioner.

Mr. Krishnendu Bhattacharya,
Mr. Priyankar Ganguly
... For the NCB.

The petitioner renews his prayer for bail solely on the ground of inordinate delay in progress of the trial. He is in custody for 3 years 10 months. Only 1 out of 10 witnesses has been examined in full. Another witness has been examined in part. There is little chance of the trial concluding at an early date.

Learned advocate for NCB opposes the petitioner's prayer for bail and says that there is sufficient incriminating material against him.

The prosecution may have very strong evidence against an accused. However, the same cannot be any justification for detaining the accused person in custody for an indefinite period of time. We do not see that the trial can conclude at an early date. The fundamental right of a citizen to personal liberty and speedy trial must be given due importance.

Hence on the ground of delay in the progress of trial, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Vikash Kumar Singh @ Bikash Singh**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two local sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District & Sessions Judge, 3rd Special Court under NDPS Act, Howrah. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the district of Howrah except for the purpose of attending the court proceedings and shall report to the Inspector-in-Charge of the jurisdictional police station where he would be residing while on bail once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1056 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)