

11.9.2024
Ct. No. 6
SL No. 34
SB

C.R.M. (NDPS) 1342 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the B.N.S.S. Act 2023 in connection with **Kaliachawk** P.S. Case No. **466 of 2022** dated 08.5.2022 under Sections 21(c) / 29 of the N.D.P.S. Act.

And

In the matter of: Rafikul Sk. @ Md. Rafikul Sekh

Mr. Soubhik Mitter
Ms. Benajir Hasna
Ms. Puja Goswami
Mr. Aliul Islam ... for the petitioner

Mr. Rudradipta Nandy, Ld. APP
Ms. Sanjana Saha ...for the State

1. Heard the learned advocates for the parties.
1. Petitioner is in custody for two years and four months. There is slow progress in trial.
2. Keeping in mind the aforesaid fact, we are of the opinion, petitioner is entitled to bail on the ground of infraction of fundamental right of the speedy trial under Article 21 of the Constitution of India. Bail prayer of the petitioner is not fettered by the restrictions under Section 37 of the N.D.P.S. Act.
3. Accordingly, 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 3rd Court, Malda, subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

4. 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 without any further reference to this Court.
5. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)