

07.11.2024.
54.
Ct.No.28.
as
(Allowed)

C.R.M. (NDPS) 1699 of 2024

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.228 of 2022 arising out of Raghunathganj P.S. Case No.1076 of 2022 dated 10.12.2022 under Sections 21(c) of the NDPS Act.

In the matter of : ***Shipra Mondal @ Sipra Mandal.***

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,
Mr. Ranjit Malakar.

...for the Petitioner.

Mr. Debasish Roy, Id. P.P.,
Ms. Sukanya Bhattacharya,
Ms. Sana Naaz.

...for the State.

1. Petitioner is in custody for one year and ten months. He submits there is inordinate delay in trial. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Petitioner is in custody for about two years. Only three witnesses out of twelve prosecution witnesses have been examined. There is little possibility of trial concluding in the near future.
4. Under such circumstances, we are of the opinion petitioner has been able to make out a case for bail on the ground of delay in trial. Bail prayer on the ground of delay in trial is not fettered by restrictions under Section 37 of the NDPS Act as held in ***Rabi Prakash Vs. State of Odisha***¹
5. Hence, we are inclined to grant bail to the petitioner.

6. Accordingly, the petitioner viz., ***Shipra Mondal @ Sipra Mandal*** 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 Court under the NDPS Act, Berhampore, Murshidabad subject to condition that she 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.

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 her 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.)

¹ 2023 SCC OnLine 1109