

19.06.2024
Sl. No.26
akd
[ALLOWED]

C. R. M. (NDPS) 731 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 23.04.2024 in connection with Islampur Police Station Case No.354 of 2022 dated 08.08.2022 under Sections 21(c)/29 of the NDPS Act. (NDPS Case No.178 of 2022)

And

In Re: **Roni Sk.**

... .. Petitioner

Ms. Minoti Gomes
Mr. Amanul Islam
Mr. Sourav Mukherjee

... .. for the petitioner

Ms. Sayanti Santra
Ms. Dhanasree Biswas

... .. for the State

Read order dated April 29, 2024.

A coordinate Bench had called for a report from the State. Such report has been filed in court today. Let the same be kept with the records.

It appears from the report that on May 6, 7 & 9, 2024, nothing happened before the learned trial court since the police witnesses could not present themselves, we are told because of the elections.

The petitioner is in custody for about one year and ten months now. There are eleven witnesses. Witness action has not yet begun. It is nobody's case when the trial would conclude.

Keeping in mind the importance of the fundamental right to personal liberty and a citizen's right to receive speedy justice, we are inclined to allow the petitioner's prayer for bail notwithstanding the restrictions in Section 37 of the NDPS Act.

Accordingly, we direct that the petitioner, namely **Roni Sk.** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 the present petitioner shall appear before the learned trial court on each date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973. The petitioner shall remain within the jurisdiction of the trial court till conclusion of trial unless such conditions have been relaxed by the learned trial court.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 731 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Gaurang Kanth, J.)