

19.06.2024
Sl. No.27
akd
[ALLOWED]

C. R. M. (NDPS) 785 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.05.2024 in connection with Beldanga Police Station Case No.195 of 2022 dated 15.04.2022 under Sections 20(ii)(c)/21(c) of the NDPS Act. (NDPS Case No.100 of 2022)

And

In Re: ***Najibur Rahaman***

... .. Petitioner

Mr. Jisan Iqbal Hossain

... .. for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sudipa Biswas

... .. for the State

A report has been filed on behalf of the State in terms of the earlier order dated May 9, 2024 passed by a coordinate Bench. Let the report be kept with the records.

From the report we find no satisfactory explanation of the delay in progress of the trial. It is stated that charge was framed in February, 2024. Next hearing is fixed on July 12, 15 & 16, 2024. We are told there are nine witnesses.

Allegedly 27.5 kgs. of *Ganja* (over 25 kgs. is commercial quantity) was allegedly recovered from the petitioner. However, given the importance of personal liberty under Article 21 of the Constitution of India, and in view of the fact that the petitioner is in custody for two years and three months and that there is no possibility of early conclusion of trial, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely ***Najibur Rahaman*** 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) 785 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.)