

03.
Court
No.28

16.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 811 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. 23/2021 arising out of **Andal GRPS Police Station Case No. 14 of 2021**, dated **11.08.2021** under Sections **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Asadul Islam @ Hitu**

...petitioner.

Mr. Tapodip Gupta, Adv.

...for the petitioner.

Mr. Iqbal Kabir, Adv.,
Mr. Raju Mondal, Adv.

...for the State.

The State files a report pursuant to our earlier order pertaining to the delay in progress of the trial. Let the same be kept with the records.

It appears from the report that the defence obtained adjournments on three occasions out of several adjournments. It cannot be said therefore, that the petitioner herein is responsible for the delay in the progress of trial to any appreciable extent. He is in custody for close to three years. Only three out of 12 witnesses have been examined. We do not see that the trial is likely to conclude at an early date.

Keeping in mind the paramount importance of a citizen’s fundamental right to personal liberty and speedy trial as enshrined under Article 21 of the Constitution of India, solely on the ground of inordinate delay in the progress of trial, we allow the petitioner’s prayer for bail.

Accordingly, we direct that the petitioner, namely, **Asadul Islam @ Hitu**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act) Asansol, Paschim Bardhaman, subject to condition that –

1. The petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973.
2. The petitioner shall not leave the territorial limits of the district of Paschim Bardhaman, till conclusion of trial unless such conditions have been relaxed by the Trial Court.
3. The petitioner shall furnish the present address where he will be residing to the Officer-in-charge of Andal GRPS Police Station immediately after being released on bail and shall also meet the Officer-in-Charge of Andal GRPS Police station, twice in every week until further orders.

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) 811 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.)

(Apurba Sinha Ray, J.)