

53. 12.06.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 844 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with NDPS Case No. **24 of 2021** arising out of **Kulti Police Station Case No. 423 of 2021**, dated **23.08.2021** under Sections **20(b)(ii)(c)** of the NDPS Act, 1985.

And

In the matter of: - **Danish Ansari**

...petitioner.

Mr. Asraf Mondal, Adv.,
Mr. Md. Bani Israil, Adv.

...for the petitioner.

Mr. Debasish Roy, Adv.,
Mr. Arijit Ganguly, Adv.,
Mr. Koushik Kundu, Adv.

...for the State.

The petitioner is in custody for two years nine months and twenty days. The case is under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985. There are six accused persons. The petitioner says that charge was framed on March 3, 2022. Since then only one witness has been partly examined. It is anybody's guess as to when the trial will conclude. The petitioner is languishing in custody for a very long time. He should be released on any condition that this Court may decide.

Learned Advocate for the State says that other co-accused persons have been denied bail by co-ordinate Benches of this Court. The last of such denial was on February 24, 2024. The petitioner stands on the same footing as those persons. His prayer should be rejected.

Having considered the rival contentions of the parties, we are of the view that there is inordinate and inexplicable delay in the progress of the trial. The charge was framed about two years and four months back. Since then only one witness has been examined and that too, partially. Such delay in progress of a trial cannot be countenanced. The concept of personal liberty as enshrined in Article 21 of the Constitution of India must be given due importance. In the facts of the case, we are satisfied that the petitioner has been able to make out a case of breach of his fundamental right to speedy trial. Hence, the restriction in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985, may not apply. We are inclined to allow this application for bail but on stringent terms and conditions.

Accordingly, we direct that the petitioner, namely, **Danish Ansari**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two registered 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 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 learned Trial Court till conclusion of trial unless such conditions have been relaxed by the learned Trial Court.

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) 844 of 2024 is accordingly disposed of.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)