

25.06.2024
Item no. 32.
Court No.28.
AB
(Allowed)

CRM (NDPS) 878 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kultali Police Station Case No.378 of 2022 Dated 15.6.2022 under Sections 21C of the NDPS Act

And

In the matter of : Faridul Molla

.....Petitioner.

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal
Mr. Sumit Routhfor the Petitioner.

Mr. Partha Pratim Dasfor the State.

Pursuant to our order dated June 12, 2024, a report has been filed on behalf of the State.

Let the same be kept with the records.

It appears from the report that during the last one year, not a single witness has been examined. Although charges were framed on December 23, 2022, till date only 1 out of 12 witnesses has been examined.

Such delay in progress of the trial cannot be countenanced. The under-trial cannot be kept indefinitely in custody without taking the trial to an early conclusion. Every citizen including a charged person has a right to speedy trial.

Accordingly, solely on the ground of undue delay in progress of the trial, which would override the restriction in Section 37 of the NDPS Act, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Faridul Molla** 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 at Alipore, South 24 Parganas, and on further conditions that he shall not leave the territorial jurisdiction of Kultali Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. He shall furnish his current address to 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 justifiable cause, the 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 is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

