

12.06.2024
Item no.75.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 907 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 24.05.2024 in connection with Lalgola Police Station Case No. 71 of 2022 dated 06.03.2022 under Section 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Md. Sariful Islam @ Sariful Islam.

.....Petitioner.

Ms. Shabana Hasin,
Ms. S.A, Banu,for the Petitioner.

Mr. Avijit Ganguly,
Mr. Tirupati Mukherjee,
.....for the State.

The petitioner was taken into custody on March 6, 2022. Charge was framed under the provisions of Narcotic Drugs and Psychotropic Substances Act on December 15, 2023, i.e, after substantial delay. Till date trial has not begun.

On the face of it, there is inordinate delay in the progress of the trial. This has infringed the petitioner's fundamental right to speedy trial. In such a case, the restriction under Section 37 of the Narcotic Drugs and Psychotropic Substances Act would not apply. The concept of personal liberty as enshrined in Article 21 of the Constitution is of utmost importance.

In view of the aforesaid we allow the present application.

Accordingly, we direct that the petitioner, namely **Md. Sariful Islam @ Sariful Islam** 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 Special Judge under the N.D.P.S. Act at Berhampore, Murshidabad and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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.

CRM (NDPS) No. 907 of 2024 is disposed of.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

