

28.06.2024
Item no.07.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 911 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.06.2024 in connection with Barjora Police Station Case No. 107 of 2021 dated 06.08.2021 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Jagadis Das @ Lulu.

.....Petitioner.

Mr. Subhendu Roy Choudhury,
Mr. Shile Chatterjee,
.....for the Petitioner.

Ms. Amita Gour,
Ms. Sujata Das,for the State.

The State has filed a report in terms of our earlier order.

Let the same be kept on record.

We find that the charge-sheet was filed on December 29, 2021. Charge was framed on January 24, 2022. Thereafter, about 2 years and 5 months have elapsed. The petitioner is in custody for 2 years and 10 months. The prosecution is examining its third witness. There are 9 charge-sheet named witnesses. We do not see that the trial will end at an early date.

An under-trial cannot be kept in custody indefinitely. Keeping in mind the importance of the fundamental right of a citizen to personal liberty and to speedy trial, purely on the ground of delay in trial, we grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Jagadis Das @ Lulu** 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 N.D.P.S. Act at Bankura, and on further conditions that he shall remain within the jurisdiction of the concerned police station.

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. 911 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

