

25.06.2024
Item no.07.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 928 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 11.06.2024 in connection with Eco Park Police Station Case No. 179 of 2020 dated 25.09.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Montu Gharami.

.....Petitioner.

Mr. Ashok Kr. Chowdhury,
Ms. Oindri Chowdhury,
.....for the Petitioner.

Mr. Kunal Gangully,for the State.

The petitioner renews his prayer for bail which was earlier rejected twice, lastly by an order dated November 17, 2023, passed in CRM (NDPS) 1746 of 2023. By that order, a co-ordinate Bench had directed the trial Court to expedite the trial and conclude the same at an early date.

The petitioner says that order has not been followed in its true intent and spirit. He is in custody for 3 years and 9 months. Only 2 out of 6 witnesses have been examined till date. The last examination of witness was on August 5, 2023. He prays for bail.

Learned advocate for the State files a report which be kept on record. We find no acceptable explanation for the delay in progress of trial.

The fundamental right of a citizen to personal liberty under Article 21 of the Constitution cannot be lost sight of. In the present case, there has been inordinate delay in the progress of trial and, therefore, the restriction in Section 37 of the N.D.P.S. Act stands overridden. We are inclined to grant bail to the petitioner solely on the ground of delay in the progress of trial.

Accordingly, we direct that the petitioner, namely, **Montu Gharami** 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 Additional District & Sessions Judge, 6th Court, Barasat, North 24-Parganas 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. 928 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.)