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03-07-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 941 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Special Task Force Kolkata Police Station** Case No. **10 of 2020** dated **16.02.2020** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Sunil Hawladar

.... Petitioner.

Mr. Raveej Lochan,

... For the Petitioner.

Mr. Arnab Chatterjee,

Mr. Diksha Ghosh,

... For the State.

Pursuant to our order dated June 25, 2024, the State has filed a report. Let the same be kept with the records.

Learned Advocate for the State says that after the petitioner's prayer for bail was rejected on January 16, 2024, examination of the first prosecution witness began. On four occasions the defence took time. There are eleven witnesses to be examined. In view of commercial quantity of contraband being involved, the petitioner's prayer for bail should not be entertained.

Learned Advocate for the petitioner says that the petitioner is in custody for three years and eight months. On a couple of occasions the petitioner's Counsel before the learned Trial Court prayed for deferment of cross-examination of the witnesses. This was well within the rights of the petitioner. There are no laches or negligence on the part of the defence.

We have considered the facts and circumstances of the case. Three years and eight months is a long period of time.

Charge sheet was filed in September, 2021. Charge was framed on July 20, 2023. A citizen's fundamental right to personal liberty and speedy trial is of paramount importance and must override all other considerations. Accordingly, only on the ground of inordinate delay in progress of trial, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Sunil Hawladar**, 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 City Sessions Court Judge, Bench-I under the NDPS Act, Calcutta and on further conditions that he shall not leave the jurisdiction of the municipal limits of Kolkata Municipal Corporation and shall give his current address to the Officer-in-Charge of the Police Station within which he will reside and 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 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.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**