

19.
25-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 963 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Basirhat Police Station Case No.801 of 2021 dated 03-11-2021 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Suman Adhikary

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... For the Petitioner.

Mr. Partha Pratim Das,
Ms. Rita Datta

... For the State.

The petitioner renews his prayer for bail. He is the sole accused. Allegedly five litres of Codeine mixture was recovered from his possession. His prayer for bail was rejected on September 21, 2023, November 08, 2023 and February 08, 2024, by a coordinate Bench.

The petitioner renews his prayer for bail on the ground of inordinate delay in progress of the trial. He says that after passing of the order dated February 08, 2024, only one witness has been examined. In all four out of thirteen witnesses have been examined till date. His fundamental right to personal liberty under Article 21 of the Constitution of India is completely abrogated. He prays for bail.

Learned advocate for the State says that the entire delay cannot be attributed to the State. However, there were some occasions when the delay was caused by reason of the State not being able to produce the witness.

Whatever the cause of the delay be, it is not the case of prosecution that the petitioner is responsible for the delay to any extent.

Solely on the ground of delay in progress of the trial and since there is no real possibility of an early conclusion of the trial, keeping in mind the paramount importance of the right to personal liberty as enshrined in Article 21 of the Constitution of India, we are of the view that restrictions under Section 37 of the NDPS Act stand overridden and the petitioner is entitled to bail.

Accordingly, we direct that the petitioner, namely, **Suman Adhikary**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Barasat, North 24-Parganas. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 963 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)