

10. 03.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 982 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Special Case No. 32 of 2019** arising out of **English Bazar Police Station Case No. 1184 of 2019** dated **26.11.2019** under Sections **8(C)/22(C)/29** of the NDPS Act.
And

In the matter of: - **Md. Nurul Hoque**

...petitioner.

Mr. Sekhar Kr. Basu, Ld. Sr. Adv.,
Mr. Sandip Chakraborty, Adv.,

...for the petitioner.

Mr. Sujan Chatterjee, Adv.

...for the State.

Read order dated June 28, 2024.

Report filed by the State in terms of that order be kept with the records.

We are told that on June 28, 2024 and June 29, 2024, the prosecution witness did not turn up. So, there was no progress.

We had adjourned the matter on June 28, 2024, precisely for the purpose of seeing what progress is made in the trial. Evidently, zero progress has been made. The petitioner is in custody for four years and seven months.

Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial and seeing that there is little or no chance of early conclusion of the trial,

we are inclined to grant bail to the petitioner solely on the ground of delay in progress of trial.

Accordingly, we direct that the petitioner, namely, **Md. Nurul Hoque**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special 3rd Court under NDPS Act, Malda, subject to condition that –

- 1) The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 2) The petitioner shall not leave the geographical limits of district of Malda till conclusion of trial unless such conditions have been relaxed by the Trial Court.
- 3) The petitioner shall furnish his local address to the Officer-in-Charge of the jurisdictional Police station and shall also meet the Officer-in-Charge of the jurisdictional Police station once in every week until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (NDPS) 982 of 2024 is accordingly allowed and disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)