

23.
28-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1003 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with T.R. Case No.07 of 2020 arising out of NCB Crime No.06/NCB/KOL/2020 corresponding to RPF/PST/HWN's General Diary No.70 dated 05-02-2020 under Sections 8(c)/20(b)(ii)(c)/29/35 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Purnima Devi

.... Petitioner.

Mr. Sayan De,
Mr. Kaustuv Shome,
Mr. Sayan Kanjilal

... For the Petitioner.

Mr. Anirban Mitra,
Mr. Sagar Saha

... For N.C.B.

Allegedly commercial quantity of contraband items were seized from the possession of the petitioner and co-accused persons. Her prayer for bail was rejected by a coordinate Bench by an order dated May 12, 2023 passed in CRM (NDPS) 962 of 2023. She renews her prayer on the ground of inordinate delay in progress of the trial. She says that she is in custody for 4 years 4 months.

Learned advocate for N.C.B. says 2 out of 10 witnesses have already been examined. All efforts will be made to conclude the trial within a year from date. There are sufficient incriminating evidence against the petitioner. Her prayer for bail should not be entertained at this stage.

The importance of fundamental right to personal liberty and speedy trial can hardly be over-emphasized. An under-trial cannot be kept in incarceration just because the trial has not concluded in spite of passage of a considerable period of time, if the delay is not attributable to the under-trial.

In the present case, it is not the State's contention that the petitioner is responsible to any extent for the delay in progress of the trial.

Therefore, solely on the ground of undue and unexplained delay in progress of the trial and keeping in mind that the petitioner has been in custody for a very long period of time and there is little likelihood of the trial concluding at an early date, we enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Purnima Devi**, 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-cum-Additional District Judge, 3rd Court, Howrah. 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 not leave the geographical limits of Kolkata and Howrah until further orders and shall inform, through her learned advocate, her current local address where she will be now residing, to N.C.B.

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

The application for bail being CRM (NDPS) 1003 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.)