

17.
28-06-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 997 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kandi Police Station Case No.44 of 2021 dated 14-01-2021 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Adhir Ghosh

.... Petitioner.

Mr. Somnath Adhikary

... For the Petitioner.

Mr. Soumik Ganguly,
Ms. Mamata Jana

... For the State.

Allegedly commercial quantity of Codeine mixture was recovered from the possession of the petitioner.

The petitioner says that there is inordinate delay in progress of the trial. Charge sheet was filed in June, 2021. Charge was framed in June 2023, i.e., after two years. 3 out of 11 witnesses have been examined so far. He is in custody for 3 years 7 months. There is no possibility of early conclusion of the trial. He should be enlarged on bail.

Learned advocate for the State says that the delay in progress of the trial cannot be attributed to the prosecution. He places a list of dates before us in support of his submission. He says that all efforts will be made to bring the trial to an early conclusion. He further says that supplementary charge sheet was filed in the year 2023, after the FSL report was received.

The State may or may not be responsible for the delay in progress of the trial. But it is not the State's case that the petitioner is responsible to any extent for the delay.

Keeping in mind the paramount importance of fundamental right to personal liberty and speedy trial, which appears to have been infringed in this case, we are inclined to enlarge the petitioner on bail only on the ground of delay in progress of the trial.

Accordingly, we direct that the petitioner, namely, **Adhir Ghosh**, 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, 2nd Court, Berhampore, Murshidabad. 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) 997 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.)