

03.07.2024
Item no.15.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 1004 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.06.2024 in connection with Domkal Police Station Case No. 151 of 2022 dated 18.03.2022 under Sections 22(C)/25/28/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and under Section 25 (1B(a) of the Arms Act.

And

In the matter of : Sahinur Sk.

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose,for the Petitioner.

Mr. Shekhar Barman,for the State.

Leave is granted to the learned advocate for the petitioner to correct the cause title of the bail petition.

The petitioner's prayer for bail was rejected twice earlier, once on October 12, 2022 and then on March 27, 2023. By the second order, a co-ordinate Bench had requested the Trial Court to expedite the trial and conclude the same at an early date without granting any unnecessary adjournment to either of the parties.

Learned advocate for the petitioner says that after that order was passed, only 2 out of 19 witnesses have been examined. The petitioner is in custody for 2 years 3 months. He prays for bail on the ground of delay in progress of trial.

Learned advocate for the State, while opposing the prayer for bail, says that the commercial quantity of contraband was recovered from the residence of the petitioner. There is strong incriminating evidence against him. He should not be enlarged on bail.

The prosecution may have very strong evidence against the petitioner. We make no comment on that. However, that would not justify the inordinate delay in progress of the trial. A citizen's fundamental right to personal liberty and speedy trial is of paramount importance and the same must override all other considerations.

2 years 3 months is a substantial period of time. Although the co-ordinate Bench by its order dated March 27, 2023, had requested expeditious disposal of the trial, we do not see that such order was given effect to.

Solely on the ground of delay in the progress of trial, we enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Sahinur Sk.** 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 Judge, Special Court, under the N.D.P.S. Act, Berhampore, Murshidabad and on further conditions that he shall remain within the jurisdiction of the concerned police station.

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 and/or commit any cognizable offence 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.

CRM (NDPS) No. 1004 of 2024 is disposed of.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)