

## CRM (NDPS) 1014 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sankrail Police Station** Case No. **490 of 2020** dated **17.06.2020** under Sections **21(c)** of the NDPS Act.

- A n d -

**In the matter of : Md. Rashid**

.... Petitioner.

Mr. Sk. Toslim Ali,

... For the Petitioner.

Mr. Suman De,

Mr. N. Touhid,

... For the State.

The petitioner is in custody for over one year. Charge sheet was submitted on February 21, 2021. Charge was framed on March 8, 2022. Three out of nine charge sheet named witnesses have been examined. He prays for bail on the ground of inordinate delay in progress of the trial.

Learned Advocate for the State says that all the remaining six witnesses may not be examined. All efforts will be made to conclude the trial at an early date. There is sufficient incriminating evidence against the petitioner. His prayer for bail should not be entertained at this stage.

There may be clinching evidence against the petitioner. However, still the trial ought to have been concluded by now. The importance of a citizen's fundamental right to personal liberty and speedy trial overrides all other considerations. There is little likelihood of the trial concluding at an early date. In any event, for a long period of time, the petitioner has been in custody.

Therefore, only on the ground of delay in progress of the trial, we are inclined to enlarge the petitioner on bail.

Accordingly, we direct that the petitioner, namely, **Md. Rashid**, 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 Additional District & Sessions Judge, 3<sup>rd</sup> Court, Special Court under the NDPS Act, Howrah and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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.

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.

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

( **Apurba Sinha Ray, J. )**

( **Arijit Banerjee, J. )**