

CRM (NDPS) 1019 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Suti Police Station** Case No. **49 of 2022** dated **26.01.2022** under Sections **22(c) /29** of the NDPS Act.

- A n d -

In the matter of : Ajikul Alom @ Saheb

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,

... For the Petitioner.

Mr. Kunal Ganguly,

... For the State.

Report filed by the State be kept with the records.

The petitioner renews his prayer for bail which was rejected twice earlier. Presently, he prays for bail primarily on the ground of delay in progress of the trial. He is in custody for more than two years and six months. Not a single witness has been examined till now.

Twenty witnesses are named in the charge sheet. Charge sheet was filed in July, 2022. Charge was framed in January, 2024.

We see that there is no chance of an early conclusion of trial. The fundamental right of a citizen to personal liberty and speedy trial as enshrined under Article 21 of the Constitution of India, cannot be undermined at any cost. The said right must override all considerations.

Therefore, solely on the ground of delay in progress of the trial we grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Ajikul Alom @ Saheb**, 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 Special Judge under the NDPS Act, Berhampore, Murshidabad 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.)**