

CRM (NDPS) 1023 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Hasnabad Police Station** Case No. **649 of 2021** dated **30.10.2021** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Hamida Bibi alias Hamida Morol

.... Petitioner.

Mr. Sabir Ahmed,
Mr. Abdul Aziz Mondal,

... For the Petitioner.

Mr. Manoranjan Mahata,

... For the State.

The petitioner renews her prayer for bail primarily on the ground of undue delay in progress of the trial.

The petitioner says that she had approached a learned Single Judge by filing CRR 481 of 2023 for expeditious disposal of the case. By an order dated April 4, 2023, the learned Judge directed the learned Trial Court to consider the issue of framing of charge and dispose of the case expeditiously. However, till date there has been no expedition. Only three out of ten witnesses have been examined. On the last ten occasions although dates were fixed, witnesses were not examined. It is anybody's guess as to when the trial will conclude. Her fundamental right to personal liberty and speedy trial has been sent for a toss.

Learned Advocate for the State, while opposing the prayer for bail, says that there is sufficient incriminating evidence against the petitioner. Earlier her prayers were rejected. All efforts will be made to expedite the trial. The petitioner's prayer for bail should not be considered at this stage.

Having considered the facts and circumstances of the case as recorded above, we are not sure that the trial will conclude at an early date. The petitioner is a 53 year old lady and has been in custody for a considerable period of time. Her fundamental right to personal liberty and speedy trial cannot be undermined. Therefore, 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, **Hamida Bibi alias Hamida Morol**, 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 Sessions Judge, 6th Court, Special Court, Barasat, North 24 Parganas and on further condition that she shall not leave the jurisdiction of the concerned police station 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.**)