

03.07.2024
Item no.21.
Court No.28.
S. De
(Allowed)

CRM (NDPS) No. 1024 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 24.06.2024 in connection with Kanksa Police Station Case No. 23 of 2023 dated 18.01.2023 under Sections 25(A)/29 of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : Md. Adil.

.....Petitioner.

Mr. Anik Ghatak,
Mr. Saibal Krishna Dasgupta,
.....for the Petitioner.

Mr. A. Bhattacharyya,for the State.

The petitioner says that 110 kgs. of Acetic Anhydride was allegedly recovered from him. The bar in Section 37 of the N.D.P.S. Act would not operate. It is a controlled substance. He is in custody for almost 1 year 6 months. Charge was framed in October 20, 2023. Not a single witness has been examined since then. He was the helper in the truck from which the substance was seized. He prays for bail.

Learned advocate for the State says that Acetic Anhydride is used for manufacturing heroine. Since the petitioner was in joint possession of such a huge quantity of Acetic Anhydride, there could be a presumption that he is involved in drug peddling. July 21, 2024 has been fixed as the

date for witness examination. There are 14 witnesses. In view of the incriminating evidence against the petitioner, he should not be granted bail.

We are surprised that in spite of passage of about a year and a half from the date when the petitioner was taken into custody, nothing appreciably has progressed in the trial. About 9 months have elapsed since the charge was framed. Witness action has not yet begun. Keeping in mind that there are 14 witnesses named in the chargesheet, there is no possibility of an early conclusion of the trial. The fundamental right of a citizen to personal liberty and speedy trial cannot be overlooked under any circumstances. In view of the fact that the petitioner is in custody for quite some time and witness action has not yet begun, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner, namely, **Md. Adil** 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 Chief Judicial Magistrate, Paschim Bardhaman, Asansol, and on further conditions that he shall remain within the jurisdiction of the concerned police station and shall not leave the district of Paschim Burdwan.

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. 1024 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.)