

19.
Court
No.28

08.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1032 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **NDPS Case No. 09 of 2022** arising out of **Jhargram Police Station Case No. 330 of 2022** dated **04.11.2022** under Sections **21(C)/29** of the NDPS Act.

And

In the matter of: - **Sk. Majed Ali @ Sek. Anwar Ali**
...petitioner.
Mr. Uday Sankar Chattopadhyay Adv.,
Mr. Santanu Maji, Adv.,
Ms. Bidisha Chakraborty, Adv.
...for the petitioner.

Mr. Sujoy Sarkar, Adv.
...for the State.

The State files copies of orders passed by the learned Trial Court. Let the same be kept with the records.

The petitioner’s grievance seems to have merit. One year and six months have elapsed since he was taken into custody. Only one out of twenty one witnesses has been examined only in part. The examination-in-chief of that witness has also not concluded.

In the facts and circumstances of this case, we find that there is absolutely no possibility of an early conclusion of the trial.

Therefore, purely on the ground of delay in progress of the trial, we grant bail to the petitioner but on stringent conditions:

Accordingly, we direct that the petitioner, namely, **Sk. Majed Ali @ Sek. Anwar Ali**, shall be released on bail upon

furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act, Jhargram, subject to condition that –

- 1) The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 2) The petitioner shall not leave the territorial limits of district of Jhargram, till conclusion of trial unless such conditions have been relaxed by the Trial Court.
- 3) The petitioner shall furnish the present address where he will be residing to the Officer-in-charge of the jurisdictional Police Station immediately after being released on bail and shall also appear before the Officer-in-Charge of the jurisdictional Police station, where he will be residing, once in every week until further orders.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (NDPS) 1032 of 2024 is accordingly allowed and disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)