

17.09.2024
Item no. 9.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1039 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.146 of 2022 under Section 8C/21C/29 of the NDPS Act

And

In the matter of : Majid

.....Petitioner.

Mr. Milan Mukherjee, Sr. Adv,
Mr. Binay Shawfor the Petitioner.

Mr. Anirban Mitra,
Mr. Priyankar Gangulyfor the NCB.

Dictated by Arijit Banerjee, J.

1. Supplementary Affidavit filed on behalf of the petitioner, be kept with the records.
2. Letter dated July 26, 2024, written by Mr. Subhanjan Sengupta, learned Advocate, SPP NCB to learned Advocate on record for the NCB, be kept with the records.
3. By our order dated July 16, 2024, we had specifically wanted to know whether or not on September 16, 2023 and November 20, 2023 and on other dates when the trial was fixed, the prosecution witnesses and in particular, the complainant, the Investigating Officer and the person, who made the inventory in terms of Section 52A of the NDPS Act, were present before the

learned Trial Court. Learned Advocate for NCB had sought time to obtain instructions.

4. Today, apart from filing the lawyer's letter, our query has not been answered. The petitioner is in custody for two years and four months. The prosecution may have an iron-cast case against the petitioner for securing his conviction, we are not on that. We have to give primary importance to a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India.
5. Without going into the merits of the case and purely on the ground of lengthy detention of the petitioner, we allow this application for bail.
6. Accordingly, we direct that the petitioner, namely **Majid** 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 Judge, Special Court under the NDPS Act at Berhampore, Murshidabad, and on further conditions that he shall not leave the jurisdiction of Berhampore Police Station and shall report to the Officer-in-Charge of the said police station once in a fortnight until further orders.
7. 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.

8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)