

23.07.2024

Item no. 3.

Court No.28.

AB

(Allowed)

CRM (NDPS) 1040 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No.225 of 2020 Dated 10.09.2020 under Sections 20(b)(ii) (c) of the NDPS Act

And

In the matter of : Atihar Mallik

.....Petitioner.

Mr. Swapan Kr. Mallick,
Ms. Sudeshna Das,
Mr. Abhinaba Mukherjee

.....for the Petitioner.

Mr. Ashoke Das

.....for the State.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the State, be kept with the records.
2. Learned Advocate for the State says that on 18th and 19th July, 2024, P.W.5 and P.W.6 were examined fully. However, six more charge sheet named witnesses need to be examined.
3. The petitioner is in custody for close to four years. We cannot be unmindful of a citizen's fundamental right to speedy trial and personal liberty as enshrined in Article 21 of the Constitution of India. Four years is a long period of time to keep anybody in incarceration.
4. Solely on the ground of delay in progress of the trial, we allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely **Atihar Malik** 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 Howrah, 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.
6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)

