

15.
16-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1055 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Seizure Case No.02/NDPS/CL/CUS/BDNPU/2018 dated 31-08-2018 under Sections 15(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Jasvir Singh

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Palash Bapari,
Mr. Supriyo Das,
Ms. Madhurai Sinha

... For the Petitioner.

Mr. U. S. Bhattacharyya,
Ms. Ekta Sinha,
Ms. Banani Bhattacharyya

... For the Customs Authorities.

The petitioner says that he is in custody for 5 years 10 months. Charge also has not been framed. Prosecution report was filed in February, 2019. There has been no progress after that. He prays for bail on the ground of delay in progress of trial.

Learned advocate for Customs says that a co-accused person was absconding. Therefore, the delay. August 02, 2024 is fixed for framing of charges.

The petitioner's incarceration for 5 years 10 months without there being any progress in the trial is completely unacceptable to us. The fundamental right of a citizen to personal liberty and speedy trial cannot be undermined at any cost. Such right must prevail over any other considerations. Close to six years the petitioner is in custody.

Purely on the ground of delay in the progress of trial, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Jasvir Singh**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two local sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, 3rd Special Court under NDPS Act, Purba Bardhaman. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the district of Purba Bardhaman except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge of the jurisdictional police station where he would be residing while on bail once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1055 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)