

23.07.2024  
Item no. 4.  
Court No.28.  
AB  
(Allowed)

**CRM (NDPS) 1060 of 2024**

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with T. R. Case No.45 of 2021 arising out of NCB Crime No.72/NCB/KOL/2021 dated 28.8.21 under section 8C/20(b)(ii)(c)/29 of the NDPS Act

And

**In the matter of : Raseed @ Rasid Ali**

**.....Petitioner.**

Mr. Navanil De,  
Sk. Toslim Ali,  
Mr. Srinjan Ghosh

.....for the Petitioner.

Mr. Anirban Mitra,  
Mr. Sagar Saha

.....for the NCB.

**Dictated by Partha Sarathi Sen, J.**

1. The report filed on behalf of the NCB, is taken on record.
2. In support of the application for bail, learned Advocate for the petitioner submits before this Court that considering the fact that the present accused petitioner is languishing in judicial custody since August 28, 2021, the instant application for bail may be allowed.
3. In course of his submission, Mr. Mitra, learned Advocate for the NCB draws our attention to the report as submitted on behalf of the NCB. It is submitted that 1344.100 kilograms of ganja was recovered from the conscious possession of the accused petitioner. Mr. Mitra further submits that on the next date i.e. August 14, 2024, appropriate

application for splitting up the case would be filed.

We cannot place much reliance thereon considering the past conduct of NCB.

4. On perusal of the entire materials as placed before us, we find that final report in connection with the case in hand was submitted on February 18, 2022. Thereafter, innumerable dates have been fixed by the learned Trial Court awaiting execution report of Warrant of Arrest as against the other three accused persons, who are at large. We are not satisfied with the explanation as put forward on behalf of the NCB that even non-execution report of the Warrant of Arrest as against the other three accused persons could not be filed at the earliest. We find sufficient prima facie materials that there were laches on the part of the NCB in making appropriate application for issuance of WPA against the three accused persons, who could not be apprehended as yet. There is no certainty as to when the case would be split up as against the present petitioner.
5. Considering the entire circumstances, we are of the conscious view that the present petitioner is successful in making out a case for obtaining a favourable order in view of the fact that on account of such delay, his right of speedy trial as enshrined in Article 21 of the Constitution of India has been

violated. Hence, we are inclined to grant bail to the petitioner.

6. Accordingly, we direct that the petitioner, namely **Raseed @ Rasid Ali** 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 the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. until further orders and he 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.)**

