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19-08-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 1075 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Lalgola Police Station** Case No. **119 of 2022** dated **11.04.2022** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Rohid Sk @ Rahid Sk.

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Dhanasree Biswas,
Ms. Poulami Bose,

... For the Petitioner.

Mr. Partha Pratim Das,
Mrs. Sudeshna Das,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State be kept with the records.
2. The petitioner is now in custody for two years and four months approximately. Two out of sixteen charge sheet named witnesses have been examined. After the last date i.e., July 23, 2024, there has been no progress. There is no possibility of an early conclusion of the trial.
3. We cannot lose sight of the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial. Such right must override all other considerations including the restriction in Section 37 of the NDPS Act. Solely on the ground of delay in progress of the trial, we are inclined to grant bail to the petitioner.
4. Accordingly, we direct that the petitioner, namely, **Rohid Sk @ Rahid Sk.**, 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 Special Judge under the NDPS Act, Berhampore, Murshidabad 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. 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 in any manner whatsoever.

5. 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.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)