

CRM (NDPS) 1085 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Entally Police Station** Case No. **102 of 2022** dated **11.04.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Lokeman Mallick alias Lokman Mallick

.... Petitioner.

Mr. Imran Siddiqui,

... For the Petitioner.

Mrs. Subhasree Patel,

Mr. Dipankar Mahata,

... 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. Only one out of ten charge sheet named witnesses has been examined. After the last date i.e., July 7, 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, **Lokeman Mallick alias Lokman Mallick**, 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, Alipore, South 24 Parganas 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.)