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11-07-2024
(ct. no.28)
S. De
Allowed

CRM (NDPS) 1092 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raninagar Police Station** Case No. **223 of 2022** dated **15.06.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Partha Mondal.

.... Petitioner.

Mr. Debanshu Ghorai,
Mr. Anisur Rahman,

... For the Petitioner.

Mr. Saryati Dutta,
Mr. Abhinaba Mukherjee,

... For the State.

The petitioner says that he is in custody for more than 2 years. Charge-sheet was submitted on December 8, 2022. Charge has not yet been framed. He prays for bail on the ground of delay in progress of trial.

Learned advocate for the State says that a co-accused person who had been granted anticipatory bail, breached conditions of such bail and is absconding. Warrant of arrest has been issued against him. That is the reason why there is delay in framing of charges.

Whatever the reason for the delay is, unless the petitioner can be said to be responsible for such delay or substantial part thereof, he should not suffer for the delay in progress of the trial. It is not the case of the State that in this case the delay is attributable to the petitioner to any extent. We are told that there are 10 witnesses. Charge has not yet been framed. There is absolutely no possibility of early conclusion of the trial.

The fundamental right of a citizen to personal liberty and speedy trial must override all considerations including the restriction under Section 37 of the NDPS Act.

Therefore, solely on the ground of delay in progress of trial, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Partha Mondal** 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, 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.

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.

The application for bail is, accordingly, allowed.

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.**)