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

CRM (NDPS) 1093 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Malda Police Station** Case No. **159 of 2021** dated **31.03.2021** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Sonaram Mahato.

	 Petitioner.
Mr. Tanmoy Khan,	... For the Petitioner.
Mr. Debasish Roy, Ld. P.P.	... For the State.

The petitioner is in custody for 3 years and 3 months. He says that he has no connection with the alleged recovery of commercial quantity of contraband items. He prays for bail solely on the ground of delay in progress of the trial.

Learned advocate for the State says that the delay in trial is due to the absconsion of one of the co-accused persons. Now, witness action has begun. The first witness is in the process of being examined. There are 12 witnesses named in the charge-sheet.

We see from the above that there is very little chance of the trial coming to an early conclusion. The petitioner has been in custody for a very long period of time. The paramount importance of a citizens' fundamental right to personal liberty and speedy trial must override all other considerations including the restrictions under Section 37 of the NDPS Act. Hence, we are inclined to grant bail to this petitioner solely on the ground of delay in progress of the trial.

Accordingly, we direct that the petitioner, namely, **Sonaram Mahato** 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 3rd Court under the NDPS Act, Malda 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.**)