

16.07.2024
Item no. 41.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1108 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Airport Police Station Case No.88 of 2022 Dated 11.3.2022 under Sections 21C/29 of the NDPS Act

And

In the matter of : Rosonara Bibi

.....Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Sahafor the Petitioner.

Ms. Rituparna Ghosh,
Ms. Sudipa Biswasfor the State.

The petitioner renews her prayer for bail, which was rejected by a Coordinate Bench on August 12, 2022. She says that she is in custody for two years four months and fifteen days. Only 1 out of 9 charge sheet named witnesses has been examined. There is no certainty as to when the trial will conclude. She should be enlarged on bail.

The State opposes the prayer for bail. It is pointed out that the petitioner's prayer for bail was rejected twice. After the rejection on August 12, 2022, her prayer was again rejected on November 8, 2023.

We see that the charge sheet was filed in August, 2022. Charge was framed in February, 2023. Since then, only 1 out of 9 witnesses has been examined. At this pace, it may take years together for the trial to conclude.

The fundamental right of a citizen to speedy trial and personal liberty is of paramount importance. Solely on the ground of delay in progress of the trial, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely **Rosonara Bibi** 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 Barrackpore, North 24 Parganas, and on further conditions that she shall not leave the jurisdiction of Habra Police Station and shall cooperate with the investigation 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

