

21.
24-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1136 of 2024

In re: An application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita (Corresponding to Section
439 of the Code of Criminal Procedure) in connection
with Bagdah Police Station Case No.292 of 2022 dated
19-04-2022 under Section 21(C) of the Narcotic Drugs
and Psychotropic Substances Act.

- A n d -

In the matter of : Abhijit Biswas

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. Shashanka Shekhar Saha

... For the Petitioner.

Mr. Imran Ali,
Ms. Kanchan Roy

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner complains that he is in custody for two
years four months. Not a single prosecution witness has been
examined. He prays for bail on the ground of delay in trial.

Learned advocate for the State says that two
schedules were fixed, but the witnesses, who are BSF
personnel, could not be produced.

The State may or may not have valid reason for not
being able to produce witnesses. However, we cannot lose
sight of the paramount importance of a citizen's fundamental
right to personal liberty and speedy trial as contemplated by
Article 21 of the Constitution of India. We are told that there
are eleven charge sheet named witnesses. We see no
possibility of an early conclusion of the trial.

Solely on the ground of inordinate delay in the
progress of trial, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Abhijit Biswas**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Barasat, North 24 Parganas. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the local police station except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge of the said police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1136 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)