

CRM (NDPS) 1148 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **English Bazar Police Station** Case No. **1556 of 2021** dated **10.11.2021** under Sections **21(C)/29/27(A)** of the NDPS Act.

- A n d -

In the matter of : Akash Sarkar

.... Petitioner.

Mr. Sujoy Sarkar,
Mr. M. Alam,
Mrs. S. Srivastava,
Mr. R. Chachan,

... For the Petitioner.

Mr. P. K. Dutta,
Mr. K. Bapuli,

... For the State.

Order dictated by Arijit Banerjee, J.:

The petitioner is in custody for two years eight months and ten days. Not a single witness has been examined till date. He prays for bail on the ground of delay in progress of the trial.

Learned Advocate for the State says that August 13, 14 and 16, 2024 have been fixed as the dates for examination of witnesses. He opposes the prayer for bail.

We find that there are 17 charge-sheet named witnesses. Not even one of them has been examined as yet. We see no possibility of an early conclusion of the trial.

We cannot be oblivious of a citizen's important right to personal liberty and speedy trial. Purely on the ground of delay in trial, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Akash Sarkar**, 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, 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.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)