

19.08.2024
Item no. 26.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1157 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No.56 of 2022 Dated 14.01.2022 under Sections 302/120B of the Indian Penal Code read with Sections 27/35 of the Arms Act and Sections 21(C)/27A/29 of the NDPS Act

And

In the matter of : Asmaul Sk.

.....Petitioner.

Mr. Ayan Basu,
Mr. Tapodip Gupta,
Mr. Sumit Routhfor the Petitioner.

Mr. Atif Ahmed Siddiquifor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for two years and seven months. His earlier prayer for bail was rejected on August 31, 2022. He says that only 1 out of 14 charge sheet named witnesses has been examined, that too, in part. On the ground of delay in trial, he prays for bail.
2. While opposing the prayer, learned Advocate for the State points out that 400 grams of brown sugar was seized from the joint possession of the accused persons. Also, this petitioner shot the informant. Therefore, Section 302 IPC has also been invoked against this petitioner.

3. On merits, the prosecution may have an excellent case.
We do not say anything on that.
4. However, two years and seven months is a long period of time to keep an under-trial in incarceration. There is no possibility of an early conclusion of the trial. Solely on the ground of delay in progress of the trial, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Asmaul Sk.** 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 Malda, and on further conditions that he shall not enter the District of Malda except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.
6. 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.

7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)