

6.
23-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1160 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station Case No.1590 of 2023 dated 02-11-2023 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Rahim Sk & Ors.

.... Petitioners.

Mr. Soumya Basu Roy Chowdhury

... For the Petitioners.

Mr. Shekhar Barman

... For the State.

Dictated by Arijit Banerjee, J.

Commercial quantity of Phensedyl Syrup containing Codeine was recovered from the joint possession of the petitioners. The petitioners are in custody for about nine months. Charge has not yet been considered.

On the last occasion, i.e., July 24, 2024, we were told that August 21, 2024 has been fixed as the date for consideration of charge. Today, we are told by learned advocate for the State that charge was not considered on that date. The next date fixed for consideration of charge is September 30, 2024.

We see that there is inordinate delay in the progress of the trial. We cannot undermine the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial. There are twelve witnesses named in the charge sheet. Charge has not yet been considered. There is no possibility of an early conclusion of the trial. The petitioners are in custody for more than nine months.

On the ground of delay in progress of trial, we are inclined to allow the prayer of the petitioners for bail.

Accordingly, we direct that the petitioners, namely, **Rahim Sk, Anarul Sk** and **Hossain Misu**, shall be released on bail upon furnishing bonds of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District and Sessions Judge, 5th Court cum Judge Special Court under NDPS Act, Murshidabad at Berhampore. The petitioners shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall remain within the jurisdiction of the local Police Station and shall report to the Inspector-in-Charge/Officer-in-Charge of the said police station once in a week, until further orders.

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

The application for bail being CRM (NDPS) 1160 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)