

30.08.2024
Item no. 17.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1197 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 Islampur Police Station Case No.676 of 2022 Dated 28.09.2022 & 29.09.2022 under Sections 20(b)(ii)(c) of the NDPS Act

And

In the matter of : Abhijit Sarkar

.....Petitioner.

Mr. Ayan Basu,
Mr. Amit Roy,
Mr. Sumit Routh

.....for the Petitioner.

Mr. Sujay Sarkar

.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than one year and eight months. According to him, only 6 out of 19 witnesses have been examined. It is anybody's guess as to when the trial will conclude. He prays for bail on the ground of delay in progress of the trial. He further says that there was no recovery from him. He has been implicated on the basis of statement made by the mother of a co-accused person.
2. Learned Advocate for the State, while opposing the prayer for bail, points out that the petitioner was the driver of the vehicle from which recovery of 166 kilograms of ganja was made. The Police chased the vehicle. The vehicle was abandoned after some time and

the petitioner fled. The petitioner was arrested about one and half months later. There is sufficient incriminating evidence against him.

3. We find from the report filed by the State that 8 out of 19 witnesses have been examined till date. The State proposes to examine all the remaining 11 witnesses. Therefore, an early conclusion of the trial is improbable.
4. We further find from the depositions of the witnesses examined so far that this petitioner was not identified while he was on the docks. No TI parade was also held insofar as this petitioner is concerned.
5. In view of the aforesaid and keeping in mind the lengthy detention of the petitioner, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Abhijit 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 Judge, Special Court under the NDPS Act at Raiganj, Uttar Dinajpur, and on further conditions that he shall not leave the village Silbarihat except for the purpose of attending Court proceedings and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. 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.

8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)