

44.
19-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1202 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 Baishnabnagar Police Station Case No.18 of 2023 dated 08-01-2023 under Sections 21(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Kayum Sk @ Kayam Sekh

.... Petitioner.

Mr. Avinaba Patra ... For the Petitioner.

Mr. Kunal Ganguly ... For the State.

Dictated by Apurba Sinha Ray, J.

Learned advocate for the petitioner has submitted that the petitioner is in custody for about 1 year 7 months. Charge has not yet been framed. There is no chance of early conclusion of the trial. The petitioner may be enlarged on bail on any condition.

Learned advocate for the State has submitted that the delay, if any, can be attributed to the accused persons, since out of seven accused persons, three accused persons are still absconding. However, segregation of the case records has been done and the next date fixed for supply of copies is on September 06, 2024. Learned advocate for the State has also submitted that incriminating articles were recovered from the possession of the petitioner.

We have considered the material on record including the Case Diary. It appears that though charge sheet was filed on July 05, 2023, copies under Section 207 of the Code of Criminal Procedure were not handed over to the accused. However, considering the overall facts and circumstances of the case, we find that there is no chance of early conclusion of

the trial, which has not yet begun. An accused cannot be kept in incarceration for an indefinite period of time, the petitioner is, therefore, entitled to bail, but on stringent conditions.

Accordingly, we direct that the petitioner, namely, **Kayum Sk @ Kayam Sekh**, 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 Additional District & Sessions Judge, 4th Court at Malda-cum-Special Court under NDPS Act, Malda. The petitioner 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 petitioner shall not leave the jurisdiction of Baishnabnagar Police Station except for the purpose of attending the court proceedings and shall report to the Inspector-in-Charge/Officer-in-Charge of the local 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) 1202 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.)