

11. 17.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1210 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of NDPS Case No. 26/2022 corresponding to **NCB Crime No. 12/NCB/KOL/2022** under Section **8(c)** read with Sections **21(c)/29/35/54** of the NDPS Act, 1985.

And

In the matter of: - **Minagur Rahaman**

...petitioner.

Mr. Soubhik Mitter
Ms. Rajnandini Das
Mr. Syed Murshid Alam

...for the petitioner.

Mr. Anirban Mitra
Mr. Pritam Roy

...for NCB.

Dictated by Arijit Banerjee, J.

1. Read order dated August 19, 2024.
2. As recorded in that order, while rejecting the petitioner’s prayer for bail, on October 19, 2023, a co-ordinate Bench had directed the learned Trial Court to commence the trial at the earliest and conclude the same at an early date preferably within one year from the date of reframing of charge. Charge has not been reframed till date.
3. Learned Advocate for Narcotics Control Bureau (NCB) says that Warrant of Arrest was issued against a co-accused person on October 6, 2023 and Proclamation was issued on March 5, 2024. Prayer has been made before the learned Trial Court for splitting up the trial and to proceed against this petitioner.

4. The fact remains that till date the trial has not commenced. The petitioner is in custody for two years and five months. In spite of direction of the co-ordinate Bench, there has been no expedition in the matter at all.
5. The prosecution may have the strongest possible case against the petitioner, however, that would not entitle anybody to detain an accused person in custody for an indefinitely long period of time. Article 21 of the Constitution of India stares at everybody's face.
6. Solely on the ground of delay in progress of trial and seeing that there is absolutely no possibility of an early conclusion of the trial, we allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **Minagur Rahaman** 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 the learned Additional Sessions Judge, 12th Court-cum-Judge, Special Court under NDPS Act, Alipore, South 24-Parganas, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the Municipal limits of Kolkata and shall also deposit his passport, if there be any, with the Trial

Court before his release from the Correctional Home. The petitioner shall also report to the Inspector-in-Charge of Entally Police Station, Kolkata, once in a week until further orders.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
9. The application for bail being CRM (NDPS) 1210 of 2024 is accordingly disposed of.
10. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)