

CRM (NDPS) 1223 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Krishnaganj Police Station** Case No. **163 of 2023** dated **06.05.2023** under Sections **21(C)** of the NDPS Act.

- A n d -

In the matter of : Dipankar Sarkar @ Dobil

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. D. Biswas,
Ms. P. Bose,

... For the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mrs. Atulya Sinha,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected earlier on January 4, 2024.
2. Allegedly 49 bottles of cough syrup containing codeine phosphate were recovered from a scooty belonging to the petitioner. The petitioner says that there is nothing on record to show that he is the owner of the scooty. He is in custody for one year and three months. Witness action has not yet begun. Charge has only been framed. There is no possibility of early conclusion of the trial. He prays for bail on the ground of delay in progress of the trial.
3. While opposing the prayer for bail, learned Advocate for the State draws our attention to the materials in the case diary.
4. It cannot be said that there is no incriminating material at all against the petitioner. However, there is nothing on record to connect the scooty in question with the petitioner. It appears that no efforts have been made by the prosecution to obtain any document of ownership of the scooty. The petitioner has been in

incarceration for a long period of time. There are 17 witnesses named in the charge sheet. We do not see any possibility of an early conclusion of the trial.

5. Keeping in mind the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial, we, solely on the ground of delay alone, are inclined to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Dipankar Sarkar @ Dobil**, 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 Special Judge under the NDPS Act, Krishnagar, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)