

19.08.2024
Item no. 62.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1239 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad Police Station Case No.522 of 2019 Dated 21.09.2019 under Sections 21C/29 of the NDPS Act

And

**In the matter of : Sk. Safir @ Sk. Sagir @ Sk. Sagiruddin
& Anr.**

.....Petitioners.

Mr. Arnab Chatterjeefor the Petitioners.

Mr. Bitoshok Banerjee
Mr. Subhasish Duttafor the State.

Dictated by Arijit Banerjee, J.

1. While rejecting the petitioners' prayer for bail on February 1, 2023, a Coordinate Bench had requested the Trial Court to conduct the trial as expeditiously as possible and conclude the same at an early date preferably within a year from the next date fixed for recording evidence. The order was communicated to the learned Trial Court on April 10, 2023.
2. A second application for bail had been filed by the petitioners on 1.3.2024. However, since the time period of one year had not elapsed from the date of communication of the earlier Division Bench order to the learned Trial Court, the 2nd application for bail was not pressed.

3. The petitioners now renew their prayer for bail. They say that they are in custody for four years and ten months. Witness action is not yet over. On the ground of delay in progress of the trial, the petitioners pray for bail.
4. Learned Advocate for the State, while opposing the prayer for bail, says that 11 out of 16 witnesses have been examined. The trial may be brought to an early conclusion.
5. We have considered the material on record. Although it cannot be said that there is no material against the petitioners, four years ten months is far too long a period of time to keep an under-trial in incarceration without bringing the trial to a conclusion. Solely on the ground of delay in progress of the trial, we are inclined to allow this application for bail.
6. Accordingly, we direct that the petitioners, namely **Sk. Safir @ Sk. Sagir @ Sk. Sagiruddin and Prafulla Patra** shall be released on bail upon furnishing a bond of Rs.25,000/-each, 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 Berhampore, Murshidabad, and on further conditions that they 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.

7. The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)