

23.08.2024
Item no. 27.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1273 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 NDPS Case No.41 of 2021 under Sections 21(c)/29 of the NDPS Act

And

In the matter of : Sagar Sk. @ Sagar MondalPetitioner.

Mr. Debanshu Ghorai,
Mr. Anisur Rahamanfor the Petitioner.

Mr. Kaushik Dey,
Ms. Aishwarya Rajyashreefor the Union of India.

Dictated by Arijit Banerjee, J.

1. The petitioner is in custody for three years and five months. He renews his prayer for bail on the ground of delay in progress of the trial. He says that witness action has not yet begun. It is anybody's guess when the trial will conclude.
2. While opposing the prayer for bail, learned Advocate for the Union of India says that there are only five witnesses. The trial would be concluded at an early date. Commercial quantity of contraband items was seized from this petitioner. There is sufficient incriminating evidence against him.
3. The Union may have an iron cast case against the petitioner. That will not entitle anybody to keep an

under-trial in custody without bringing the trial to an early conclusion. The considerations of personal liberty and right to speedy trial as contemplated by Article 21 of the Constitution must override all other considerations including the restriction in Section 37 of the NDPS Act.

4. Solely on the ground of inordinate delay in progress of the trial, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Sagar Sk. @ Sagar Mondal** 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 Berhampore, Murshidabad, and on further conditions that he shall not leave the jurisdiction of Hogolberia Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. 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.
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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)