

30.
30-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1274 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 Nabagram Police Station Case No.284 of 2022 dated 02-08-2022 under Sections 21(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Robiul Dewan

.... Petitioner.

Mr. Soumya Basu Roy Chowdhury,
Mr. Anisur Rahaman

... For the Petitioner.

Mr. Anand Keshari,
Ms. Suveni Banerjee

... For the State.

Dictated by Arijit Banerjee, J.

We should first note that when this petitioner had first approached this Court for bail by filing CRM (NDPS) 1120 of 2024, we had rejected his prayer by an order dated July 16, 2024. Such rejection was on the basis of the submission on behalf of the State that the petitioner had suppressed in the bail petition that on November 07, 2022, his bail prayer was rejected by a coordinate Bench in CRM (NDPS) 1119 of 2022 where he was the second petitioner.

It has now been clarified that, that submission made on behalf of the State was incorrect. This petitioner was not a party to CRM (NDPS) 1119 of 2022. Therefore, the rejection of his bail petition was on the basis of wrong premises.

The petitioner says that he is in custody for 2 years 1 month. Only five out of eighteen witnesses have been examined. Allegedly, 33 bottles of *Phensedyl* Syrup was

recovered from the possession of the petitioner. He says that there is inordinate delay in progress of trial. The petitioner prays for bail.

While opposing the prayer for bail, learned advocate for the State says that all efforts will be made to expedite the trial. In view of the incriminating evidence against the petitioner, his prayer for bail should not be allowed.

The importance of a citizen's fundamental right to personal liberty and speedy trial cannot be undermined. It is of paramount importance. The petitioner is in judicial custody for over two years. There does not appear to be any chance of early conclusion of the trial. On an overall consideration of the facts and circumstances of the case and the long period of detention suffered by the petitioner, we are inclined to allow the prayer of the petitioner for bail solely on the ground of delay in progress of trial.

Accordingly, we direct that the petitioner, namely, **Robiul Dewan**, 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 and Sessions Judge, Special Court under NDPS Act, 2nd Court, Murshidabad at Berhampore. 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 remain within the jurisdiction of the local Police Station and shall report to the Inspector-in-Charge/Officer-in-Charge of said 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) 1274 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.)