

31.
30-08-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1276 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 NCB Crime No.20/NCB/KOL/2021 dated 10-06-2021 corresponding to T.R Case No.22 of 2021 under Sections 8(C)/20(b)(ii)(C)/25/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Lalit Kumar

.... Petitioner.

Mr. Sk Tosnim Ali,
Mr. Sk Toslim Ali

... For the Petitioner.

Mr. Kallol Kumar Basu

... For NCB.

Dictated by Arijit Banerjee, J.

Report filed by Narcotic Control Bureau (hereinafter 'NCB') be kept with the records.

The petitioner is in custody for 3 years 2 months. Only one out of six charge sheet named witnesses has been examined. Examination of the second prosecution witness is going on. On the ground of delay in progress of trial, the petitioner prays for bail.

While opposing the prayer for bail, learned advocate for NCB says that 357 kgs. of *Ganja* was recovered from the exclusive possession of this petitioner. Witness action is in progress. Delay in progress of trial cannot be attributed to the prosecution.

We see that the charge sheet was submitted sometime in the year 2021. However, charge was framed in 2024. We do not appreciate this inordinate delay.

A citizen's right to personal liberty and speedy trial must be protected at all costs. Such consideration must override all other considerations. Solely on the ground of inordinate delay in progress of trial and long incarceration of the petitioner, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Lalit Kumar**, 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, 3rd Court (Special Court under NDPS Act) at Howrah. 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 not leave the jurisdiction of Howrah district and shall report to the Inspector-in-Charge/Officer-in-Charge of jurisdictional 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) 1276 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.)