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23-08-2024  
(ct. no.28)  
S. De  
(Allowed)

## CRM (NDPS) 1280 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Ghola Police Station** Case No. **332** of **2022** dated **02.06.2022** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

**In the matter of : Biswa Das @ Avijit Das @ Abhijit Das.**

.... Petitioner.

Mr. Debasis Kar,  
Mr. Arka Tilak Bhadra,

... For the Petitioner.

Ms. Sayanti Santra,  
Ms. Rajashree Tah,

... For the State.

### Order dictated by Arijit Banerjee, J.

1. The petitioner is in custody for 2 years and 2 months. One witness is in the process of being examined. We are told that on the last occasion, the matter was adjourned at the instance of the prosecution. There are in all 10 witnesses named in the charge-sheet. At this pace, it is anybody's guess as to when the trial will conclude.
2. One cannot lose sight of a citizen's fundamental right to personal liberty and speedy trial. The prosecution may have a very strong case against the petitioner. That would, however, not entitle anybody to detain the petitioner in custody for an inordinate period of time. We do not see any chance of an early conclusion of the trial.
3. Solely on the ground of delay, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Biswa Das @ Avijit Das @ Abhijit Das** 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), Barrackpore, North 24-Parganas 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 week until further orders and on further conditions that the petitioner shall not leave the district of North 24-Parganas except for attending the court proceedings.
5. 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.
6. 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.
7. The application for bail is, accordingly, allowed.
8. 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. )**