

26.
04-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1308 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Liluah Police Station Case No.175 of 2020 dated 27-06-2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sentu @ Santu Sardar

.... Petitioner.

Mr. Sk Toslim Ali, advocate-on-record

... For the Petitioner.

Mr. Rudradipta Nandy, learned APP,
Mr. Bikram Mitra

... For the State.

Dictated by Arijit Banerjee, J.

The petitioner renews his prayer for bail which was rejected earlier on May 17, 2023.

The petitioner says that he is in custody for four years two months. Only 2 out of 11 charge sheet named witnesses have been examined. In the last eleven months, there was no examination of witness. He prays for bail on the ground of delay in progress of the trial.

Opposing the prayer for bail, learned advocate for the State says that the Presiding Officer has been on leave from April, 2024. The petitioner has two antecedents. Huge quantity of Codeine Mixture was recovered from him. The bail prayer should be refused.

The prosecution may have a very strong case against the petitioner. Nobody stands in the way of the prosecution securing a conviction from the learned trial Court. However, an under-trial cannot be kept in custody for an indefinite period of time without bringing the trial to a logical

conclusion. Four years two months is far too long a period of time to keep an under-trial in incarceration.

Without commenting on the merits of the case, solely on the ground of inordinate delay in progress of the trial, we allow the prayer of the petitioner for bail.

Accordingly, we direct that the petitioner, namely, **Sentu @ Santu Sardar**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two local sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional District & 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 remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the 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) 1308 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)