

CRM (NDPS) 1306 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak Police Station** Case No. **1351 of 2022** dated **23.11.2022** under Sections **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Ekramul Sekh @ Ekramul Sk.

.... Petitioner.

Mr. Mazhar Hossain Chowdhury,
Mr. Rishab Kar,

... For the Petitioner.

Mr. Iqbal Kabir,
Mrs. Payel Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is in custody for one year and nine months. He complains of inordinate delay in progress of the trial. He says that only one out of nine charge sheet named witnesses has been examined. He prays for bail on the ground of delay.

2. Learned Advocate for the State while opposing the prayer for bail, draws our attention to the relevant material in the case diary. He says that the trial may be expedited.

3. The petitioner has been in incarceration for a fairly long period of time. At the pace the trial is proceeding, there is little likelihood of early conclusion of the trial. Hence, keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, without making any comment on the merits of the case, only on the ground of delay in progress of the trial, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Ekramul Sekh @ Ekramul Sk.**, 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 Special Judge under the NDPS Act, Malda 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 fortnight until further orders. 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.
5. 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.
6. The application for bail is, accordingly, allowed.
7. 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.)