

60. 23.08.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1312 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Raninagar** Police Station Case **No. 258/2022**, dated **16.07.2022** under Sections **21(c)/29** of the NDPS Act, 1985.
And

In the matter of: - **Akhtar Seikh @ Aktar Sk**

...petitioner.

Mr. Shataroop Purkayastha
Mr. Hamidur Rahaman
Ms. Jagriti Bhattacharya

...for the petitioner.

Ms. Faria Hossain
Mr. Santanu Deb Roy

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than two years and one month. Charge was framed in December, 2023. Three schedules for examination of witnesses were fixed after that. All prosecution witnesses are Police personnel. During none of the three schedules any of the witnesses turned up. Due to inordinate delay in progress of the trial, the petitioner prays for bail.
2. While opposing the bail prayer learned Advocate for the State, in his usual fairness, does not dispute that during the last three schedules, no progress was made since none of the prosecution witnesses scheduled to be examined, went before the learned Trial Court.

3. From the aforesaid, we find that there is no chance of an early conclusion of the trial. The petitioner is in incarceration for a sufficiently long time.
4. Without commenting on merits of the case, solely on the ground of undue delay in progress of the trial, we allow the petitioner's prayer for bail, but on stringent conditions:
5. Accordingly, we direct that the petitioner, namely, **Akhtar Seikh @ Aktar Sk** shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act-cum-ADJ 2nd Court, Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Raninagar Police Station and shall report to the Officer-in-Charge of Raninagar Police Station once in a week until further orders.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (NDPS) 1312 of 2024 is accordingly disposed of.

8. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)