

04.09.2024
Item no. 64.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1357 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 Domkal Police Station Case No.437 of 2022 Dated 20.07.2022 under Section 21C/29 of the NDPS Act

And

In the matter of : Rakibul Islam @ BabuPetitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bosefor the Petitioner.

Mr. Bibhaswan Bhattacharya
Mr. Sharequl Haquefor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about two years one month. None of the 10 charge sheet named witnesses has been examined. Five dates were fixed, no witness turned up. He prays for bail primarily on the ground of delay in progress of the trial.
2. Learned Advocate for the State, in his usual fairness, says that indeed, witnesses did not attend on the five dates fixed for examination. He also points out that charge was framed on October 11, 2023.
3. Therefore, we see that even after almost one year of framing of charge, there has been no progress in the trial. Witness action has not yet begun.

4. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution, we feel impelled to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Rakibul Islam @ Babu** 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 at Berhampore, Murshidabad, 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.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.

9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)