

10. 05.12.2024
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1371 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Balurghat** Police Station Case No. **294/2022** dated **27.04.2022** under Sections **21(c)/22(c)/23(c)/25/27A/28/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Rinku Dey Sarkar @ Ors.**

...petitioner.

Mr. Anirban Guhathakurata,
Mr. Sajan Chatterjee

...for the petitioner.

Ms. Sayanti Santra,
Ms. Diksha Ghosh

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners are in custody for periods between 2 (two) years, 4 (four) months and 2 (two) years, 6 (six) months.
2. From the status report filed by the State, we find that 12 (twelve) out of 32 (thirty two) charge-sheet named witnesses have been examined. The report says that the prosecution intends to examine 9 (nine) more witnesses. However, it is possible that the number of witnesses to be examined may increase in future.
3. In any event, the petitioners have been in custody for a long period of time. Solely on the touchstone of Article 21 of the

Constitution of India and without commenting on the merits of the case, we feel constrained to grant bail to the petitioners since an early conclusion of the trial looks highly unlikely.

4. In view of the aforesaid, we grant bail to the petitioners.
5. Hence, we **allow** the petitioners' prayer for bail.
6. Accordingly, we direct that the petitioners, namely, **Rinku Dey Sarkar & Ors.** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned C.J.M., Balurghat, Dakshin Dinajpur. The petitioners shall appear before the 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station twice in a week, until further orders.
7. In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (NDPS) 1371 of 2024 is, thus, disposed of.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)