

31.
Court
No.28

17.09.2024

(A. Nag)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1376 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, arising out of **NDPS Case No. N-05/2021** under Section **21(c) of NDPS Act, 1985** arising out of seizure case no. **07/EXP/CUS & BSF (Joint)/Claim/GJD-Pu/2021 dated 05.01.2021.**

And

In the matter of: - **Raju Roy**

...petitioner.

Mr. Gourav Kumar Nath
Mr. Subhajyoti Chandra

...for the petitioner.

Mr. Bhaskar Prasad Maiti
Mr. Kaustav Kanti Maiti

...for the
Customs Authority

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about three years seven months. Only two out of six witnesses have been examined as of date. He prays for bail on the ground of inordinate delay on the progress of trial.
2. Opposing the prayer for bail, learned counsel appearing for the Customs Authority says that 963 bottles of phensedyl syrup containing codein mixture was recovered from the petitioner. The FSL report indicates the presence of narcotics in the seized goods. There is sufficient incriminating evidence against the petitioner.

3. The prosecution may have a very strong case against the petitioner. We are not on merits. However, that would not justify the indefinite custodial detention of an under-trial accused.
4. Three years seven months is a long period of time. Keeping in mind the importance of Article 21 of the Constitution of India, solely on the ground of delay in progress of trial, we **allow** the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Raju Roy** 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 the **learned Additional Sessions Judge, 6th Court, Barasat, North 24 Parganas**, 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 jurisdiction of Barasat Police Station, North 24 Parganas and shall also deposit his passport, if there be any, with the Trial Court before his release from the Correctional Home.
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) 1376 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.)