

426
05-09-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 1384 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jhargram Police Station** Case No. **34 of 2023** dated **08.02.2023** under Sections **21(a)/29** of the NDPS Act.

- A n d -

In the matter of : Sk. Ansar Ali

.... Petitioner.

Mr. Uday Sankar Chattopadhyay,
Mr. S. Maji,

... For the Petitioner.

Mr. Arindam Sen,
Mr. Santanu Dev Ro,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner renews his prayer for bail which was rejected earlier on January 4m, 2024. He says that he is in custody for one year and seven months. Charge sheet was submitted in July 2023. Charge was framed in April, 2024. There are 17 charge sheet named witnesses. Not a single witness has been examined till date. On the ground of delay in progress of trial, he prays for bail.

2. While opposing the prayer for bail, the learned Advocate for the State draws to our attention the material in the case diary. Allegedly 32 bottles of phensedyl syrup containing codeine phosphate was recovered from the possession of this petitioner. He says that all efforts will be made to expedite the trial. He further submits that the petitioner has criminal antecedents. He was involved in another NDPS case but he was acquitted in that case.

3. We see that there was a gap of about nine months between the submission of charge sheet and framing of charge. Even after charge was framed, about five months have elapsed, not a single

witness has been examined. There is no possibility that the trial will conclude at an early date.

4. In view of the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay in progress of trial, without commenting on the merits of the case, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Sk. Ansar Ali**, 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, Jhargram 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.

6. 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.

7. The application for bail is, accordingly, allowed.

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

(**Prasenjit Biswas, J.)**

(**Arijit Banerjee, J.)**