

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1390 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 **Special Case No. 51/2022** arising out of English Bazar Police Station Case No. 544 of 2022 dated 06.04.2022 under Section 21(C)/29 of the NDPS Act.

And

In the matter of: - **Golam Mostafa @ Soidul Tal @ Mental**

...petitioner.

Mr. Tarodip Gupta

...for the petitioner

Mr. Arnab Chatterjee

Mr. Debangshu Ghorai

...for the State

Dictated by Arijit Banerjee, J.

1. The petitioner complains of inordinate delay in progress of the trial.
He says that he is in custody for two years five months eleven days.
Only one out of fourteen chargeheet named witnesses has been examined till date. There is no possibility of an early conclusion of the trial. He prays for bail.
2. While opposing the prayer for bail, learned counsel appearing for the State states that commercial quantity of contraband was recovered from this petitioner. There is sufficient incriminating material against him. All efforts will be made for an early conclusion of the trial.
3. We are conscious of the restrictions in Section 37 of the NDPS Act. However, the fundamental right to personal liberty and speedy trial that every citizen in this country has under Article 21 of the Constitution of India, is of greater importance and overrides all other considerations. We see no possibility of the trial concluding at an

early date. Solely on the ground of delay in progress of the trial, we **allow** the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioners, namely, **Golam Mostafa @ Soidul Tal @ Mental** 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 Judge, Special 3rd Court, Malda**, 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 District of Malda and shall also deposit his passport, if there be any, with the Trial Court before his release from the Correctional Home.
5. 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.
6. The application for bail being CRM (NDPS) 1390 of 2024 is accordingly **disposed of**.
7. 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.)