

17. 16.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1465 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 **Kaliachak** Police Station Case No. **26/2023** dated **05.01.2023** under Section **21(c)/27A/29** of the NDPS Act, 1985.

And

In the matter of: - **Najrul Sk. @ Najrul Sekh**

...petitioner.

Mr. Mazhar Hossain Chowdhury
Ms. Chandrima Debnath

...for the petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv.
Ms. Suruchi Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. Report filed by the State in terms of our order dated November 20, 2024, be kept with the records.
2. From the report we find that the prosecution intends to examine all the 12 charge-sheet named witnesses. Only one witness has been examined, that too, in part. The next schedule is fixed on February 3-5, 2025. The petitioner is already in custody for about two years.
3. From the above it is clear that there is practically no possibility of an early conclusion of the trial. In view of the prolonged incarceration of the petitioner coupled with inadequate progress in the trial, we feel constrained to grant the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Najrul Sk. @ Najrul Sekh** 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 Court, Additional District & Sessions Judge, 4th Court, Malda, subject to condition that the petitioner 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 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 stay within the territorial jurisdiction of Kaliachak Police Station, Malda and shall also meet the Officer-in-Charge of Kaliachak Police Station in every alternate day, until further orders.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (NDPS) 1465 of 2024 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)