

01.10.2024
Item no. 56.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1476 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Nabagram Police Station Case No.412 of 2022 Dated 24.11.2022 under Sections 20(b)(ii)(c)/25/29 of the NDPS Act

And

In the matter of : Baikuntha Sarkar @ Dipak

.....Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bosefor the Petitioner.

Mr. Kaushik Kundu,
Mr. Santanu Talukdarfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner prays for bail on the ground of delay in progress of the trial. There are eight charge sheet named witnesses. There is no possibility of an early conclusion of the trial. On the ground of delay, he prays for bail.
2. Learned Advocate for the State, while opposing the prayer for bail, says that the delay cannot be attributed to the prosecution. There are systemic reasons including Resolutions of local Bar. A time period may be indicated within which the trial can be concluded.
3. We see that charge sheet was submitted in March, 2023. Charge was framed after 11 months, in February, 2024. Since then, 9 dates were fixed before the learned

Trial Court for witness action. Recording of evidence has not even begun. Hence, we are extremely doubtful that the trial can be concluded at an early date.

4. The petitioner is in custody for close to two years. Keeping in mind the paramount importance of the fundamental right of a citizen to personal liberty and speedy trial, without commenting on the merits of the case, solely on the ground of delay in progress of the trial and prolonged incarceration of the petitioner, we allow this application for bail.
5. Accordingly, we direct that the petitioner, namely **Baikuntha Sarkar @ Dipak** 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 Judge, Special Court under the NDPS Act at Berhampore, Murshidabad, and on further conditions that he shall not leave the jurisdiction of the Nabagram Police Station except for the purpose of attending Court proceedings and shall report to the Officer-in-Charge of the Nabagram Police Station once in a fortnight until further orders.
6. 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

and/or commit any cognizable offence in any manner whatsoever.

7. 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)