

05.10.2024
Item no. 28.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1487 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 NCB Crime No.08/NCB/KOL/2021 (NDPS Case No.N31/2021) under Sections 21(c)/22(a)/29 of the NDPS Act

And

In the matter of : Ajgar Dalal @ Azgar @ Asgar

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Sahafor the Petitioner.

Mr. Anjan Sengupta
Mr. Tapan Bhanjafor the NCB.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected earlier on more than one occasion and lastly on May 30, 2024. While rejecting his prayer, a Coordinate Bench, on May 30, 2024, directed that if the prosecution witnesses are not completed within a period of three months from that date, “on an application for bail being preferred by the present petitioner, learned Trial Court will be at liberty to release the petitioner on bail on such terms and conditions as it deems fit and proper.”
2. The petitioner says that the said order was communicated to the learned Trial Court on June 5,

2024. However, since then and till date, only one more witness has been examined. In all, 4 out of 7 charge sheet named witnesses have been examined. The petitioner is in custody for more than three years and eight months.

3. Learned Advocate for Narcotics Control Bureau says that the delay cannot be attributed to the prosecution. The Presiding Officer was on leave for quite some time. The delay is due to systemic reasons.
4. Three years eight months is a very long period of time to keep an under-trial in custodial detention. We see that a Coordinate Bench had granted liberty to the learned Trial Court to grant bail to the petitioner in the event the examination of prosecution witnesses was not completed within three months from May 30, 2024, or at any rate within three months from June 5, 2024, when the order was communicated to the learned Trial Court. Hence, we are of the view that the learned Trial Court ought to have enlarged the petitioner on bail on such conditions as it deems fit and proper.
5. Hence, we are inclined to grant bail to the petitioner.
6. Accordingly, we direct that the petitioner, namely **Ajgar Dalal @ Azgar @ Asgar** 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 Chief Judicial

Magistrate, North 24 Parganas at Barasat, and on further conditions that he shall not leave the jurisdiction of the Swarupnagar Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

7. 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.
8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)

