

05
08-10-2024
(ct. no.28)
KOLE
Allowed

CRM (NDPS) 1500 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Bantra Police Station Case No. 55 of 2019** dated **26.03.2019** under Sections **20(b)(ii)(C)** of the NDPS Act.

- A n d -

In the matter of : Atish Hela

.... Petitioner.

Mr. Soumya Basu Roy Chowdhury,

.... For the petitioner.

Mr. Avishek Sinha,
Mrs. Dona Sanyal,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner complains of inordinate delay in trial. He says that he is in custody for five years six months. Not a single witness has been examined. There are 10 charge sheet named witnesses. He prays for bail.

2. While opposing the bail prayer, learned State Advocate says that it is indeed correct that witness action has not started although charge was framed on November 25, 2019. He very fairly leaves the matter to the discretion of the Court.

3. Five years six months is far too long a period of time to keep an under trial in judicial custody. There has been absolutely no progress in the trial. Nobody knows when the trial will conclude.

4. Keeping in mind the importance of a citizen's fundamental right to personal liberty and speedy trial, solely on the ground of delay, we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Atish Hela**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two registered sureties of like amount each, to the satisfaction of the Learned Chief Judicial Magistrate, Howrah subject to condition that he shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not leave the jurisdiction of the district Howrah and shall report to the Officer-in-Charge of the said Police Station once in a fortnight, until further orders.

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.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**