

13
02-12-2024
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1519 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Madhyamgram Police Station Case No.463 of 2023 dated 28.07.2023 under Sections 20(b)/25, Chargesheet submitted under Section 20(b)(ii)(c)/25** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Bappa Haque. Petitioner.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha, ... For the Petitioner.

Ms. Sukanya Bhattacharyya,
Mr. Sachit Talukdar, ... For the State.

Order dictated by Arijit Banerjee, J.

1. Learned advocate for the petitioner says that he had inadvertently made a wrong submission on the last date that 3 out of 12 chargesheet named witnesses have been examined. In fact, 8 out of 38 chargesheet named witnesses have been examined.
2. The petitioner says that he was the driver of a vehicle which was parked in the vicinity of the go-down from where commercial quantity of contraband items was seized. The vehicle owner, Mostafa Ali @ Basu has been granted bail by a co-ordinate Bench by an order dated July 24, 2024, passed in CRM (NDPS) 1142 of 2024. He does not stand on a worse footing than that person. He is in custody for 1 year, 4 months, 12 days. He prays for bail.

3. Opposing the prayer, learned State advocate says that there is sufficient incriminating evidence against this petitioner. 759 kgs of Ganja was seized from the accused persons.
4. We have considered the facts and circumstances of the case. Nothing appears to have been recovered from the possession of this petitioner. His implication is on the basis of the statement made by co-accused persons. He is in custody for a fairly long period of time. 30 more witnesses remain to be examined as would appear from the report filed by the State today in Court. There is practically no possibility of an early conclusion of the trial.
5. In view of the aforesaid as well as on the touchstone of Article 21 of the Constitution of India, we are inclined to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely, **Bappa Haque** shall be released on bail upon furnishing a bond of Rs. 25,000/ with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Barasat, North 24-Parganas subject to the condition that the petitioner shall remain within the jurisdiction of Barasat Police Station and shall meet the Inspector-in-Charge, Barasat Police Station, once in a week 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)