

77.
05-10-2024
(ct. no.28)
debajyoti
(allowed)

CRM (NDPS) 1540 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Baguiati Police Station Case No.293 of 2020 dated 07-09-2020 under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Prasenjit Acharjee alias Apu Acharjee
.... Petitioner.

Mr. Angshuman Chakraborty
... For the Petitioner.

Ms. Minoti Gomes,
Ms. Nahid Ahmed
... For the State.

Dictated by Arijit Banerjee, J.

The petitioner complains of inordinate delay in progress of the trial. He says that he is in custody for about four years. Only three out of eight charge sheet named witnesses have been examined. He prays for bail on the ground of delay.

Learned advocate for the State says that about five litres of Codeine Mixture was seized from the exclusive possession of the petitioner who is the sole accused person. There is incriminating evidence against him. All efforts will be made to expedite the trial.

We see that charge sheet was submitted on October 31, 2020. Charge was framed on December 22, 2021. Since framing of charge, almost three years have elapsed. Only 3 out of 8 charge sheet named witnesses have been examined.

Going at this pace, there is no possibility of an early conclusion of the trial.

Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial as enshrined in Article 21 of the Constitution of India, solely on the ground of delay and without commenting on the merits of the case, we feel constrained to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Prasenjit Acharjee alias Apu Acharjee**, 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 learned Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of Lake Town Police Station except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (NDPS) 1540 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)