

23
05-12-2024
(ct. no. 29)
KOLE
Allowed

CRM (NDPS) 1563 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 **Kumarganj Police Station Case No. 310 of 2022** dated **13.06.2022** under Sections **21(C)/22(C)/23(C)** of the NDPS Act.

- A n d -

In the matter of : Alok Barman

.... Petitioner.

Mr. Kaushik Choudhury,
Ms. Munmun Dutta,

.... For the petitioner.

Ms. Amita Gour,
Mr. Dipankar Mahato,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State be kept with the records.
2. We find that the petitioner is in custody for two years two months fifteen days as of date. 5 out of 10 charge sheet named witnesses have been examined. The report says that all the remaining witnesses will be examined. The next date is February 04, 2025.
3. Considering the long period of detention of the petitioner coupled with inadequate progress in the trial, we are of the view that the restriction in Section 37 of the NDPS Act stands diluted by considerations of Article 21 of the Constitution of India. Hence, we enlarge the petitioner on bail.
4. Accordingly, we direct that the petitioner, namely, **Alok Barman**, 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 Special Judge under the

NDPS Act, Balurghat, Dakshin Dinajpur 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 Balurghat Police Station and shall report to the Officer-in-Charge of the said Police Station once in a week, until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. 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.)