

27.11.2024
Item no. 46.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1572 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 Airport Police Station Case No.193 of 2022 Dated 14.07.2022 under Section 21C/22C/29 of the NDPS Act

And

In the matter of : Balbir Singh

.....Petitioner.

Mr. Gunjan Kr. Singh,
Mr. Vijay Verma,
Ms. Rima Mondal for the Petitioner.

Mr. Avishek Sinha,
Mr. Subhajit Choudhury.....for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains that he is in custody for about two years and four months. Witness action has not yet begun. There is no possibility of an early conclusion of the trial. On the touchstone of Article 21 of the Constitution of India, the petitioner renews his prayer for bail. He further says that a co-accused person namely, Kamal Kumar Singh has been granted bail by a Coordinate Bench by an order dated 05.11.2024 passed in CRM (NDPS) 1253 of 2024. He says that he stands on the same footing as the said Kamal Kumar Singh.
2. While opposing the prayer for bail, learned State Advocate, in his usual fairness, does not dispute that

this petitioner is similarly circumstanced as the said Kamal Kumar Singh insofar as the period of detention is concerned and the delay in progress of trial is concerned.

3. Hence, on the ground of parity, we allow this application for bail.
4. Accordingly, we direct that the petitioner, namely **BALBIR SINGH** 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 at Barrackpore, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
5. 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.
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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)