

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1595 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Hasnabad** Police Station **Case No. 432/2023** dated **17.10.2023** under Section **21(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Bhola Das @ Mriganka Das & Anr.**

...petitioners.

Mr. Mazhar Hossain Chowdhury
Ms. Chandrima Debnath

...for the petitioners.

Mr. Suman De
Mr. Nazmul Touhid

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. From the report we find that the Trial Court is lying vacant.
Witness action has not begun. The report says that at least one and half years will be required for concluding the trial.
3. The petitioners are already in custody for one year and one month. There is no progress in the trial. It is anybody's guess when the trial will conclude.
4. Without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioners on bail.
5. Accordingly, we direct that the petitioners, namely, **1. Bhola Das @ Mriganka Das, 2. Paltu Das** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand) each, with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 6th Court, Barasat, North 24-Parganas, subject to condition that the petitioners shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioners, while on bail, shall not leave the territorial jurisdiction of Hasnabad Police Station, except for the purpose of attending Court proceedings and shall meet the Inspector-in-Charge/Officer-in-Charge of Hasnabad Police Station, once in a week for six months or until further orders, whichever is earlier.

6. In the event the petitioners fail to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (NDPS) 1595 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)