

02.12.2024
Item no. 36.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1618 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 Baranagar Police Station Case No.581 of 2021 Dated 13.10.2021 under Sections 21C/29 of the NDPS Act

And

In the matter of : Lakhan Das @ Laxman Das @ Bibek Das

.....Petitioner.

Md. Bani Israil,
Syed Md. Saud for the Petitioner.

Mr. Avishek Sinha,
Ms. Sanjida Sultana for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for three years and one month. 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, he prays for bail.
2. Opposing the prayer for bail, learned State Counsel points out that charge sheet was filed on March 30, 2022. Charge was framed on July 25, 2024. Examination of witnesses has not started. The next dates fixed are January 7 and 8, 2025.
3. We see that it took about two years four months to frame the charge after filing of charge sheet. We also see from records that three schedules fixed by the learned

Trial Court for examination of witnesses failed completely. No witness turned up. There are 6 charge sheet named witnesses. Trial has not even begun in the sense that witness examination has not started. One cannot be oblivious of an under-trial's fundamental right to personal liberty and speedy trial. The petitioner is in judicial custody for more than three years and one month. Solely on the ground of delay in progress of the trial and prolonged custodial detention of the petitioner, we feel impelled to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely **LAKHAN DAS @ LAXMAN DAS @ BIBEK DAS** 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, North 24 Parganas, and on further conditions that he shall not leave the jurisdiction of the Baranagar Police Station and shall report to the Officer-in-Charge of the Baranagar Police Station once in a week 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.)