

02.12.2024
Item no. 37.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1621 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 NCB Crime No.10/NCB/KOL/2023 under Sections 21C/29/35/54/8C of the NDPS Act

And

In the matter of : Sujan Chakraborty @ Charaborty

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Sahafor the Petitioner.

Mr. Subhankar Chakraborty,
Mr. Partha Chakrabortyfor the NCB.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than one year and nine months. Only 1 out of 9 charge sheet named witnesses has been examined. On the last six dates fixed, no witness turned up. At this rate, nobody knows when the trial will conclude. On the basis of Article 21 of the Constitution of India, he prays for bail.
2. The Narcotics Control Bureau files a report. Let the same be kept with the records.
3. Learned Advocate for the Narcotics Control Bureau says that December 18, 2024, has been fixed as the next date for examination of P.Ws.2 and 3. They are both police personnel. They were summoned for urgent training and posting on the border area. All efforts will be made to

conclude the trial on an early date. 1225 bottles of phensedyl syrup containing codeine phosphate were recovered from the exclusive possession of this petitioner.

4. The prosecution may have an iron-cast case against the accused person. We say nothing on merits. However, that cannot justify custodial detention of the accused person for an indefinitely long period of time. One year nine months is a substantial period of time. The trial has not progressed to any appreciable extent. It is anybody's guess as to when the trial will conclude. Hence, without touching the merits of the case and solely on the ground of delay in progress of the trial and prolonged incarceration of the petitioner, we feel constrained to enlarge him on bail.
5. Accordingly, we direct that the petitioner, namely **SUJAN CHAKRABORTY @ CHARABORTY** 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 Barasat, North 24 Parganas, and on further conditions that he shall not leave the jurisdiction of the Barasat Police Station and shall report to the Inspector-in-Charge/Officer-in-Charge of the Barasat Police Station once in a week until further orders.

6. 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.
7. 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.
8. The application for bail is, accordingly, allowed.
9. 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.)