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05-11-2024
(ct. no.01)
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(Allowed)

**THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM (NDPS) 447 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Bhaktinagar Police Station Case No. 1052 of 2023 dated 27.11.2023 under Sections 21(c)/22(c)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Sanjay Singha.

.... Petitioner.

Mr. Supritam Nag,
Ms. Trishna Roy,
Mr. Arko Sarkar,

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Subhasish Misra,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier on July 25, 2024. While rejecting his prayer, a co-ordinate Bench had directed that the parties shall make all endeavours to ensure that the trial is concluded within six months from that date.
2. The petitioner says that there has been absolutely no progress after that order was passed. In fact, after filing of chargesheet on February 29, 2024, nothing has progressed. Even charge has not been framed. Eleven dates were fixed after filing of chargesheet. But nothing happened. There are 15 chargesheet named witnesses. Trial has not yet begun. It is anybody's guess when the trial will conclude. He is in custody for 350 days. On

the touchstone of Article 21 of the Constitution of India, he prays for bail.

3. Learned State counsel, while opposing the prayer for bail, says that November 20, 2024, has been fixed as the date for consideration of charge. Going by the earlier order dated July 25, 2024, still about three months' time is left for concluding the trial.
4. We have considered the rival contentions of the parties. We do not see any possibility of the trial concluding within the next three months or on an early date going by the conduct of the trial. The petitioner is in custody for close to one year. The paramount importance of a citizen's fundamental right to personal liberty and speedy trial as contemplated by Article 21 of the Constitution of India, cannot be lost sight of.
5. In view of the inordinate delay in progress of trial, we are of the view that the restriction in Section 37 of the NDPS Act stands rebutted. Without touching the merits and purely on the ground of delay in progress of trial, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Sanjay Singha** 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 Judge, Special Court (under the NDPS Act), Jalpaiguri 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 said police station once in a fortnight, until further orders.

7. 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 in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)