

14.11.2024  
Item no. 30.  
Court No.1.  
AB  
(Allowed)

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**CRM (NDPS) 487 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 Jaigaon P. S. Case No.11 of 2024 Dated 11.1.2024 under Sections 21C/25/29 of the NDPS Act

And

**In the matter of : Ranjan Sah                      .....Petitioner.**

Mr. Sourav Ganguly  
Mr. Bibek Tarafdar,  
Mr. Gopal Roy,  
Ms. Rishita Chakraborty.....for the Petitioner.

Mr. Saikat Chatterjee  
Mr. Dhiman Sil                      .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner renews his prayer for bail, which was rejected on July 29, 2024. While rejecting his prayer, a Coordinate Bench had observed “it is made clear that nothing in this order shall prevent the petitioner to renew similar prayer in the event the trial is not commenced expeditiously”.
2. The petitioner says that he is in custody for 308 days. On August 24, 2024, i.e. the day when the charge was framed, the learned Trial Court fixed nine dates between September 23, 2024, and November 6, 2024 for

examining the nine prosecution witnesses. He produces certified copies of orders recorded by the learned Trial Court on those dates which would show that on none of the dates, the prosecution witness turned up. As a result, the trial has not yet begun. On the ground of delay, the petitioner renews his prayer for bail.

3. Opposing the prayer for bail, learned State Counsel says that commercial quantity of cough syrups along with contraband tablets were recovered from the possession of the petitioner. There is clinching evidence against him. All efforts will be made to bring the trial to an early conclusion.
4. We do not see how the prosecution can ensure an early conclusion of the trial. Going by the conduct of the trial that seems to be highly unlikely. Nine dates were fixed by the learned Trial Court to examine the nine charge sheet named witnesses. Not a single witness presented himself in Court. Going at this rate, it is anybody's guess as to when the trial will conclude.
5. We cannot lose sight of the fundamental right of an under-trial to personal liberty and speedy trial. Those factors must override all other considerations. The prosecution may have an excellent case to secure the conviction of the petitioner. That, however, would not justify incarceration of the petitioner for an indefinite period of time. Solely, on the ground of delay in progress

of the trial, we are constrained to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely **Ranjan Sah** 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 Alipurduar, 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.
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 and/or commit any cognizable offence 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.)**

