

31.
Court
No.28

13.02.2025

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 35 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Dalkhola** Police Station Case No. **264/2020**, dated **10.11.2020** under Sections **21(C)/29** of the NDPS Act, 1985.
And

In the matter of: - **GOUTAM ROY**

...petitioner.

Mr. Susnigdho Bhattacharyya
Ms. Sarmistha De

...for the petitioner.

Ms. Faria Hossain, APP
Mr. Saptarshi Chakraborty

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected on June 19, 2024, by a co-ordinate Bench in CRM (NDPS) 918 of 2024. While rejecting the prayer, the co-ordinate Bench had directed the learned Trial Court to expedite the trial and conclude the same at the earliest and definitely within a period of six months from the date of communication of the order. Liberty was granted to the petitioner to renew his prayer for bail in the event the trial was not concluded within the time-period indicated in that order.
2. The petitioner says that the said order has had no effect. Only 10 out of 18 prosecution witnesses have been examined till date. He is now in custody for about four years and three months. He prays for bail on the touchstone of Article 21 of the Constitution of India.

3. Learned State Advocate says that after the order dated June 19, 2024, was passed, three more witnesses were examined. Out of the remaining eight prosecution witnesses, all of them may not be examined. 400 grams of heroin was seized from this petitioner who is the sole accused. She opposes the prayer for bail.
4. We have considered the facts and circumstances of the case. Four years and three months is far too long a period to keep an under-trial in incarceration without taking the trial to its logical conclusion. A co-ordinate Bench had granted six months' time for conclusion of the trial. No appreciable progress has been made after that order was passed. Ordinarily, a citizen's fundamental right to personal liberty and speedy trial must override all other considerations.
5. Hence, without touching the merits of the case and solely on the ground of delay in trial and prolonged detention of the petitioner, we feel constrained to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **GOUTAM ROY** shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, under NDPS Act, Raiganj, Uttar Dinajpur, subject to condition that the petitioner shall appear before the learned 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 petitioner, while on bail, shall remain within the territorial jurisdiction of Raiganj Police Station (that is jurisdiction of the learned Trial Court) and shall meet the Inspector-in-Charge/Officer-in-Charge of the said Police Station once in a week, until further orders.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (NDPS) 35 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)