

13.02.2025
Item no. 46.
Court No.29.
AB
(Allowed)

CRM (NDPS) 51 of 2025

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 Sainthia GRPS Police Station Case No.16 of 2022 Dated 10.07.2022 under Section 20(b)(ii)(c) of the NDPS Act

And

In the matter of : Santosh Kumar Nayek Petitioner.

Mr. Saryati Dutta,
Mr. Sanjib Kumar Dan,
Mr. Chitrak Biswas for the Petitioner.

Mr. Ranabir Roy Choudhury
Mr. Ronit Mukherjee for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than two years and seven months. Charge Sheet was filed on December 31, 2022. Charge was framed on June 15, 2024. Till date, witness action has not started. There are 12 charge sheet named witnesses. There is no possibility of an early conclusion of the trial since trial has not even started. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. Learned State Advocate, while opposing the bail prayer, in his usual fairness, admits that witness action has not yet started. However, the petitioner hails from Orissa and if granted bail, there is a possibility of the petitioner absconding.

3. We have considered the facts and circumstances of the case. It took about one and half years to frame the charge after the charge sheet was filed. After framing of charge in June, 2024, about eight months have elapsed. Not a single witness has been examined. We see absolutely no possibility of an early conclusion of the trial. The petitioner is in custody for a long period of time.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to allow the petitioner's prayer for bail, but on stringent conditions.
5. Accordingly, we direct that the petitioner, namely **SANTOSH KUMAR NAYEK** 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 Suri, and on further conditions that he shall not leave the jurisdiction of the Suri Police Station and shall report to the Officer-in-Charge of the Suri Police Station twice 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.)