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13-02-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 52 of 2025

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 **Bhatpara Police Station Case No. 445 of 2021 dated 05.08.2021 under Sections 21(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Md. Sarfaraj @ Md. Sarfaraz @ Dizain @ Jidan.
.... Petitioner.

Mr. Dhananjay Banerjee, ... For the Petitioner.

Ms. Anasuya Sinha, Ld. APP
Ms. Rajashree Tah, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner is aggrieved that he is in custody for more than 3 years and 7 months. Charge was framed in August 2023. Till date not a single witness has been examined. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. The State files a report in Court today. Let the same be kept with the records.
3. We see that there are 9 chargesheet named witnesses. The next date fixed is April 11, 2025. Therefore, the trial has not even started. Nobody can say when the trial will end. The petitioner is in custody for a long period of time.
4. Without touching the merits of the case and solely on the ground of inordinate delay in trial, which to any extent, cannot be attributed to the petitioner and there being zero possibility of an early conclusion of the trial, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Md. Sarfaraj @ Md. Sarfaraz @ Dizain @ Jidan** 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), Barrackpore, 24-Parganas, subject to the condition that the petitioner shall remain within the jurisdiction of the Bhatpara Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Bhatpara Police Station, once in a fortnight 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 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 interim bail in accordance with law without further reference to this court.
8. The application for bail is, thus, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)