

22. 26.03.2025
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 75 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Hare Street** Police Station Case No.**165/2023** dated **01.06.2023** under Sections **20(b)(ii)(c)/22(b)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Sk. Shabaz @ Shabu & Anr.**

...petitioners.

Mr. Souvik Mitter,
Mr. Joy Chakraborty,
Mr. Sandip Dinda

...for the petitioners.

Mr. Debasish Roy, Ld. P.P.,
Mr. Arijit Ganguly,
Mr. Koushik Kundu

...for the State.

Dictated by Arijit Banerjee, J.

1. From the status report filed by the State on the last occasion, we find that on several occasions, trial was adjourned on the prayer made on behalf of the prosecution. Out of 15 occasions, only on one occasion, the defence took time as learned defence advocate's spectacles broke.
2. The petitioners are already in custody for about 1 (one) year and 10 months. Only 1 out of 8 charge-sheet named witnesses has been examined in full. There is no possibility of an early conclusion of the trial. Ordinarily, a citizen's fundamental right

to personal liberty and speedy trial must override all other considerations.

3. The report does not show that the petitioner has any criminal antecedents.
4. We further see that charge was framed on March 5, 2024. In the last one year, only one prosecution witness has been examined in full.
5. Accordingly, we allow the petitioners' prayer for bail.
6. Accordingly, we direct that the petitioners, namely, **Sk. Shabaz @ Shabu & Md. Arshad Ibrahim.** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Judge-I, NDPS Act, City Sessions Court, Calcutta*. The petitioners shall appear before the 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioners fail to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
8. The application for bail being CRM (NDPS) 75 of 2025 is, thus, disposed of.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)