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18-02-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 77 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 **Sagarpara Police Station Case No. 08 of 2022** dated **13.01.2022** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Manik Halder @ Manik Chandra Haldar.
.... Petitioner.

Mr. Debanshu Ghorai,
Mr. Anisur Rahman, ... For the Petitioner.

Mr. Bibaswan Bhattacharyya,
Mr. Subhasis Datta, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was earlier rejected on July 16, 2024, in CRM (NDPS) 1119 of 2024. While rejecting his prayer, keeping in mind his already lengthy detention in custody, we had directed learned Trial Court to conclude the trial as early as possible but positively within 6 months from the next dates fixed for recording of evidence on August 21-23, 2024. We had further granted liberty to the petitioner to renew his prayer for bail, if the trial does not conclude within the time period indicated above.

2. The petitioner says that far from conclusion, the prosecution has examined only 2 out of 7 chargesheet named witnesses. He is now in custody for about 3 years 1 month. There is no possibility of an early conclusion of the trial. The direction for early conclusion, passed by this Court, has had no effect. He renews his prayer for bail.

3. Learned State counsel, while opposing the prayer, fairly admits that only 2 prosecution witnesses have been examined. He says that the next schedule has been fixed on March 3-5, 2025. Efforts will be made to conclude the trial on an early date.

4. We see that the petitioner is in custody for a very long period of time. The prosecution intends to examine 5 more witnesses. Between July 16, 2024, when the petitioner's prayer was last rejected and today, only 1 witness has been examined. It is anybody's guess when the trial will conclude.

5. Therefore, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Manik Halder @ Manik Chandra Haldar** 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), Berhampore, Murshidabad, subject to the condition that the petitioner shall remain within the jurisdiction of the Berhampore Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Berhampore Police Station, once in a week 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)