

06.03.2025
Item no. 7.
Court No.29.
AB
(Allowed)

CRM (NDPS) 134 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 Islampur Police Station Case No.181 of 2022 Dated 13.03.2022 under Sections 21C/23C of the NDPS Act

And

In the matter of : Tilak Bhuiya

.....Petitioner.

Ms. Minoti Gomes,
Ms. Shanta Sarkar for the Petitioner.

Mr. Iqbal Kabir,
Mr. Sobhan Gani for the State.

Dictated by Arijit Banerjee, J.

1. Read order dated February 26, 2025.
2. The State has filed a report as regards communication of this Court's earlier order dated July 16, 2024, to the learned Trial Court. It is not clear as to whether or not the said order, expediting the trial, was in fact communicated to the learned Trial Court.
3. Be that as it may, the petitioner is in custody now for seven days short of three years. 6 out of 10 charge sheet named witnesses have been examined. Some of the witnesses have failed to identify the petitioner. The seizure witness has stated that he was made to sign on a blank paper.
4. We need not dwell on the merits of the case. Three years is a long period of time. There is also little likelihood of an early conclusion of the trial as 4 more witnesses are yet to be examined.

5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
6. Accordingly, we direct that the petitioner, namely **TILAK BHUIYA** 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 Raiganj, Uttar Dinajpur, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight 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 and/or commit any cognizable offence 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.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)

