

22
06-03-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 154 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 **Sankrail Police Station Case No. 693 of 2023 dated 12.09.2023 under Sections 20(b)(ii)(C)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Salman Dafadar @ Salman Dafader.
.... Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh, ... For the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Prakash Mishra, ... For the State.

Order dictated by Arijit Banerjee, J.

1. Comprehensive status report filed by the State, be kept with the records.
2. We find from the report that the Court of the learned Special Judge (NDPS) Act, is lying vacant. We are told that the Presiding Officer has retired. Nobody knows when the post will be filled up.
3. The prosecution has examined 1 out of 10 chargesheet named witnesses, that too in part.
4. The petitioner is in custody now for about 1 year and 5 months. He prays for bail on the ground of delay in progress of trial. he refers to an order dated February 17, 2025, passed by the Hon'ble Supreme Court in a petition for Special Leave to Appeal (Criminal) No. 16959/2024, whereby the Hon'ble Court was pleased to enlarge on bail a co-accused on the ground of her incarceration for more than 1 year and also taking into consideration that she is a lady.

5. Learned State counsel opposes the prayer saying that 62 kgs. of Ganja was recovered from the joint possession of the accused persons including this petitioner. There is strong evidence against this petitioner. The next schedules have been fixed on April 10 and 11, 2025. All efforts will be made to conclude the trial on an early date.
6. From the facts recorded above, we do not see any possibility of an early conclusion of the trial. The Trial Court is lying vacant. It may be impossible for the Judge-in-Charge to proceed with the trial of this case after taking care of the other cases assigned to him. The petitioner is in custody for quite some time.
7. We have often said that however strong the prosecution case may be, the same would not justify incarceration of an accused undertrial for a long period of time without concluding the trial.
8. Therefore, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.
9. Accordingly, we direct that the petitioner, namely, **Salman Dafadar @ Salman Dafader** 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), Howrah, subject to the condition that the petitioner shall remain within the jurisdiction of the Howrah Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Howrah Police Station, twice a week until further orders.

10. 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.
11. 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.
12. The application for bail is, accordingly, allowed.
13. 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.)