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11-03-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 161 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 **Nowda Police Station Case No. 279 of 2023** dated **24.08.2023** under **Section 20(b)(ii)(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Pritam Das.

.... Petitioner.

Mr. Ali Ahsan Alamgi,
Ms. Rabia Khatoon,
Ms. Soma Mal,
Ms. June Modak,

... For the Petitioner.

Ms. Subhamoy Bhattacharya,
Mr. Rajashree Tah,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We see from the report that the State proposes to examine 20 out of 21 chargesheet named witnesses. Not a single witness has been examined till date although charge was framed on October 5, 2024. It is anybody's guess when the trial will conclude. We do not see any possibility of an early conclusion of the trial. The petitioner is in custody for more than one and half years already.
3. Opposing the prayer for bail, learned State counsel says that 85 kgs. of Ganja was recovered from the hidden chamber of a vehicle which was being driven by this petitioner. There is very strong incriminating evidence against him. The delay is because of one co-accused person absconding.
4. We have often said that the prosecution may have the strongest possible case to secure the conviction of an accused person. Nobody stands in the way of the prosecution doing so. However, a citizen's

fundamental right to personal liberty and speedy trial cannot be overlooked at any cost. Ordinarily, such right must override all other considerations. An accused cannot be kept in custody for an indefinite period of time without taking the trial to its logical conclusion on an early date.

5. Hence, without touching the merits of the case and solely on the ground of inordinate delay in progress of the trial coupled with the period of detention of the petitioner and there being no real possibility of an early conclusion of the trial, we feel impelled to grant bail to the petitioner.

6. Accordingly, we direct that the petitioner, namely, **Pritam Das** 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), Murshidabad at Berhampore subject to the condition that the petitioner shall remain within the jurisdiction of the Berhampore Police Station and shall meet the Inspector-in-Charge of the Berhampore Police Station, once 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.

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)