

CRM (NDPS) 167 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Pragati Maidan Police Station** Case No. **34 of 2019** dated **07.03.2019** under Sections **21(C)/29** of the NDPS Act.

- A n d -

In the matter of : Sabina Bibi alias Sabna Gazi & Ors.

.... Petitioners.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha,

... For the Petitioners.

Mr. Joydeep Roy,
Mr. D. Dutta,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioners renew their prayer for bail which was rejected on several occasions and lastly on September 19, 2023 in CRM (NDPS) 1542 of 2023. While rejecting their prayer, a Coordinate Bench had observed “we hope and trust trial shall be completed within April, 2024”. The petitioners say that the trial is yet to conclude. They renew their prayer or bail on the ground of very long detention.

2. Learned State Advocate says that March 7, 2025 has been fixed as the date for production of all the witnesses or in default examination of the accused under Section 313 of the Criminal Procedure Code. The trial is likely to conclude very soon. Bail should not be granted at this stage.

3. Six years is far too long a period of time to keep an accused person in incarceration without concluding the trial. We see that a coordinate Bench had in a way directed the learned Trial Court to conclude the trial within April, 2024. However, the same

has not been possible. The importance of right to personal liberty and speedy trial can hardly be over-emphasized.

4. Without touching the merits of the case and solely on the ground of delay in progress of trial and long detention of the petitioners, we feel constrained to enlarge the petitioners on bail.

5. Accordingly, we direct that the petitioners, namely, **Sabina Bibi alias Sabna Gazi, Bapi Molla, Joydeb Saha and Radha Ghosh**, shall be released on bail upon furnishing a bond of Rs. 25,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Alipore, South 24 Parganas subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall remain within the jurisdiction of the Hastings Police Station and the petitioner nos. 2 and 3 shall meet the O.C., DD (NDPS), Lalbazar, Kolkata Police of the concerned police station once every week until further orders.

6. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.

8. 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.)**