

20.03.2025
Item no.05.
Court No.29.
S. De
(Allowed)

CRM (NDPS) No. 189 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 **Park Street Police Station Case No.143 of 2022** dated **21.10.2022** under Sections **20(b)(ii)(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Subhashish Sarkar @ Choto.

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,

... For the Petitioner.

Mr. Anasuya Sinha, Ld. APP
Ms. Chandreyi Dutta,

... For the State.

Order dictated by Arijit Banerjee, J.

1. We are told today that the earlier order dated August 19, 2024, was never communicated to learned Trial Court.

2. However, the petitioner is in custody now for about 2 years and 5 months. Only 2 out of 7 chargesheet named witnesses have been examined. The third prosecution witness is in the process of being examined. From the Status Report filed by the State, we find that the prosecution proposes to examine all 7 witnesses. We also find that the entire delay cannot be attributed to the petitioner. There have been instances when the Presiding Officer was not available or witnesses were not present.

3. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial and seeing that a Co-ordinate Bench's direction contained in the order dated August 19, 2024 has had no effect, we feel constrained to enlarge

the petitioner on bail solely on the ground of inordinate delay in progress of trial and without touching the merits of the case.

4. Accordingly, we direct that the petitioner, namely, **Subhashish Sarkar @ Choto**, 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), Calcutta, subject to the condition that 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of the concerned police station except for the purpose of attending court proceedings and shall meet the O.C./I.C. of the concerned police station once in a fortnight until further orders.

5. 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.

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

7. Let a copy of this order be placed before the learned Registrar General for her information and necessary action.

8. 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.)