

CRM (NDPS) 199 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 **Hastings Police Station** Case No. **161 of 2022** dated **30.11.2022** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

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In the matter of : Bholanath Singh @ Bhola

.... Petitioner.

Mr. Joy Chakraborty,
Mr. Sandip Dinda,

... For the Petitioner.

Mr. Joydeep Roy,
Mr. S. Bhakat,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner prays for bail on the ground of inordinate delay in progress of the trial. He says that he is in custody for about two years and three months. After framing of charge in July, 2023, only 2 out of 6 charge sheet named witnesses have been examined. There is no possibility of an early conclusion of the trial.

2. We have seen from the status report filed by the State that the delay in progress of the trial cannot be attributed to the petitioner to any appreciable extent or at all. On several dates the witnesses were not present. There were other reasons like Bar resolution etc.

3. Be that as it may, the fundamental right of the petitioner to personal liberty and speedy trial must ordinarily override all other considerations. He is in custody for quite some time. An early conclusion of the trial seems improbable.

4. Hence, without commenting on the merits of the case and solely on the ground of delay, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Bholanath Singh @ Bhola**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, 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, City Sessions Court, Calcutta subject to condition that he 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 petitioner while on bail shall not leave the jurisdiction of the concerned police station except for the purpose of attending court proceeding and shall meet the O.C./I.C. of concerned police station once in a fortnight until further orders.

6. 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.

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.

(**Om Narayan Rai, J.)**

(**Arijit Banerjee, J.)**