

21.03.2025
Item no. 27.
Court No.29.
AB
(Allowed)

CRM (NDPS) 223 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Behala Police Station Case No.152 of 2022 Dated 08.06.2022 under Section 20(b)(ii)(c)/29 of the NDPS Act

And

In the matter of : Mainuddin Sekh @ Gara

.....Petitioner.

Mr. Anshuman Chakraborty
Mr. S. S. Saha,
Ms. Anuradha Dasfor the Petitioner.

Mrs. Anasuya Sinha, Id. APP
Mr. Debanshu Ghoraifor the State.

Dictated by Arijit Banerjee, J.

1. Read order dated March 6, 2025.
2. Learned Counsel for the petitioner has filed a list of dates as we had called for.
3. From the list of dates, we find that post July 26, 2024, i.e. the date when this Bench's order dated June 11, 2024 was communicated to the learned Trial Court, only on one date the defence took time before the learned Trial Court. The order dated June 11, 2024 required the learned Trial Court to conclude the trial within six months from the date of communication. Much more than that time period has elapsed. As of date, only 2 out of 12 charge sheet named witnesses have been examined. The petitioner is in custody for two years and seven months.

4. We, therefore, see that our order dated June 11, 2024 has had no effect. Nobody can say when the trial will conclude. The petitioner cannot be kept in incarceration indefinitely.
5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **MAINUDDIN SEKH @ GARA** 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 Chief Judicial Magistrate, South 24 Parganas, Alipore, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight 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 and/or commit any cognizable offence 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)