

CRM (NDPS) 275 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 **Sandeshkhali Police Station** Case No. **195 of 2019** dated **02.10.2019** under Sections **21(C)** of the NDPS Act.

- A n d -

In the matter of : Pallab Das

.... Petitioner.

Mr. Ashok Kr. Chowdhury,
Mr. D. Chosdhury,

... For the Petitioner.

Mrs. Sreyashee Biswas,
Mr. S. Balial,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner is aggrieved as he is in custody for about five years five months. He says that only 1 out of 8 charge sheet named witnesses has been examined till date by the prosecution. There is no possibility of an early conclusion of the trial. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. Opposing the bail prayer, learned State Advocate says that this petitioner has four criminal antecedents. He was charged in various kinds of offences including attempted murder and rape. However, learned Advocate could not tell us if the petitioner was convicted in any one of those cases.
3. Be that as it may, we find that the petitioner is in custody in this case for an unusually long period of time. No under-trial person can be kept in incarceration for an unreasonable period of time without taking the trial to its logical conclusion. Ordinarily, a citizen's fundamental right to personal liberty and speedy trial must override all other considerations.

4. In the instant case, we do not see any possibility of an early conclusion of the trial. 7 out of 8 charge sheet named witnesses are yet to be examined. The State Advocate says that the next dates are March 17 and March 18, 2025.

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

6. Accordingly, we direct that the petitioner, namely, **Pallab Das**, 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, Barasat, North 24 Parganas 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.

7. 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.

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

9. 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.)**