

17.03.2025
Item no. 63.
Court No.29.
AB
(Allowed)

CRM (NDPS) 302 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 Shalimar GRPS Police Station Case No.22 of 2023 Dated 01.09.2023 under Section 21(c) of the NDPS Act

And

In the matter of : Md. RajaPetitioner.

Sk. Toslim Ali,
Ms. Rituparna Bhadrafor the Petitioner.

Md. Iqbal Kabir,
Ms. Rajashree Tahfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India. He says that charge sheet was filed on January 31, 2024. Charge was framed in June, 2024. Since then, only 1 out of 13 charge sheet named witnesses has been examined, that too, in part.
2. While opposing the prayer for bail, learned State Counsel says that the delay has been due to systemic reasons. The PO was on leave on one occasion and then he was transferred. The Trial Court is now lying vacant.
3. We, therefore, see that although the petitioner has been in custody for about one and a half years, there has been no significant progress in the trial. Not even a

single witness has been examined in full till date.
Further, the Trial Court is lying vacant.

4. In view of the aforesaid, without touching the merits of the case and solely on the ground of delay in trial coupled with zero possibility of an early conclusion of the trial, we feel impelled to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **MD. RAJA** 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 at Howrah, and on further conditions that he shall not leave the jurisdiction of Howrah Police Station and shall report to the Officer-in-Charge/Inspector in Charge of Howrah Police Station once a week until further orders.
6. 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.
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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)