

CRM (NDPS) 300 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 **Gaighata Police Station Case No.54 of 2023** dated **20.01.2023** under Section **21(C)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Dipankar Biswas.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S.S. Saha,

... For the Petitioner.

Mr. Ranadeb Sengupta,
Ms. Jonaki Saha,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner complains of inordinate delay. He says that he is in custody for 2 years and 3 months. Even charge has not been framed. He prays for bail on the touchstone of Article 21 of the Constitution of India.

2. Learned State counsel, while opposing the prayer, says that 100 bottles of Phensedyl Syrup containing Codeine mixture was recovered from the possession of the accused persons including the petitioner. One person has been chargesheeted and two persons were not sent up. In view of commercial quantity of contraband items being involved, the petitioner's bail prayer should be rejected.

3. We have gone through the orders of the learned Trial Court annexed to the bail petition. We find that repeatedly the de facto complainant and the investigating officer were absent before the Trial Court. This was not on one or two or three days but on numerous dates. Even on January 6, 2025, the de facto complainant did not appear before the Court. The Court was also

lying vacant. On January 30, 2025, also the de facto complainant did not turn up before the Trial Court.

4. In view of the aforesaid, we do not see that the delay in the trial can be attributed to the petitioner to any extent.

5. We see that there are 11 chargesheet named witnesses. Trial has not even begun since charge has not been framed for no fault of the petitioner. There is no certainty as to when the trial will conclude.

6. Keeping in mind the paramount importance of a citizen's fundamental right to personal liberty and speedy trial, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.

7. Accordingly, we direct that the petitioner, namely, **Dipankar Biswas** 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), Barasat, North 24-Parganas subject to the condition that the petitioner shall remain within the jurisdiction of the concerned Police Station and shall meet the Inspector-in-Charge of the concerned Police Station, once in a fortnight, until further orders.

8. 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.

9. 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.

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

11.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.)