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07-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1633 of 2024

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 **Chhatna Police Station Case No. 52 of 2022 dated 17.05.2022 under Sections 21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Santanu Dhibar @ Gera.

.... Petitioner.

Mr. Subhendu Roy Choudhury,
Mr. Joy Chakraborty,
Ms. Shila Chatterjee,

... For the Petitioner.

Mr. Bitashok Banerjee,
Mr. Arup Sarkar,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Learned State advocate says that the petitioner took time before the learned Trial Court on the last three occasions. The prosecution alone is not responsible for the delay in progress of trial.
2. Learned advocate for the petitioner says that primarily, the prosecution is responsible for the delay. Only on a few occasions for unavoidable reasons of illness in the family, the petitioner took time.
3. We see that only 3 out of 13 chargesheet named witnesses have been examined. The status report says that the prosecution intends to examine 9 more witnesses. The petitioner is in custody for 2 years and 8 months. It is anybody's guess as to when the trial will conclude.

4. Without touching the merits of the case and solely on the ground of delay in progress of the trial which infringes the petitioner's fundamental right to personal liberty and speedy trial, we felt impelled to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Santanu Dhibar @ Gera** 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), Bankura, subject to the condition that the petitioner, while on bail, shall not leave the municipal limits of Kolkata and shall meet the Officer-in-Charge STF Police Station, 112, Ripon Street, Kolkata, twice a week, i.e. on every Monday and Thursday of 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 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.)