

20. 21.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (NDPS) 1808 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **South Port** Police Station Case No. **185/2022** dated **10.12.2022** under Sections **20(b)(ii)(c)/29/35** of the NDPS Act, 1985.
And

In the matter of: - **Ajijul Khan**

Mr. Rajat Sinha Roy
Mr. Surajit Basu

...petitioner.

Mr. Bitasok Banerjee
Ms. Rajashree Tah

...for the petitioner.

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India. He is in custody for more than two years and one month.
3. We see that when he had approached this Court for bail on an earlier occasion by filing CRM (NDPS) 397 of 2024, a co-ordinate Bench, by an order dated March 1, 2024, recorded the submission made on behalf of the State that two witnesses had already been examined. That was an incorrect statement made before Court. On that date only one witness had been examined.
4. The status today is that only two prosecution witnesses out of 10 charge-sheet named witnesses have been examined. The petitioner is in custody for a considerable period of time. Nobody can say when the trial will conclude.

5. Without touching the merits of the case and solely on the ground of delay in progress of the trial coupled with long incarceration of the petitioner, we feel constrained to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Ajijul Khan** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Bench-I, NDPS Act, City Sessions Court, Calcutta, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, 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 any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (NDPS) 1808 of 2024 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)