

CRM (NDPS) 1758 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Airport Police Station** Case No. **428 of 2021** dated **09.11.2021** under Section **21(c)/29** of the NDPS Act.

- A n d -

In the matter of : Md. Sahid Parvez @ Baccha Sahid alias Md. Shahid Parvez

.... Petitioner.

Mr. Dhananjoy Banerjee,

... For the Petitioner.

Ms. Rituparna Ghosh,

Mr. Asif Dewan,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Fresh report filed by the State be kept with the records.
2. It appears that earlier an erroneous report was filed. This was extremely irresponsible on the part of the Officer who filed such report.
3. From the report filed today, we find that only 4 out of 9 charge sheet witnesses have been examined by the prosecution. The petitioner is in custody for over three years two months. An early conclusion of the trial looks highly unlikely.
4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.
5. Accordingly, we direct that the petitioner, namely, **Md. Sahid Parvez @ Baccha Sahid alias Md. Shahid Parvez**, 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,

Barrackpore, 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 and shall meet the officer-in-charge of the concerned police station once every fortnight until further orders.

6. 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.

7. We are of the view that to lend some amount of authenticity and credence to a report that we may call for from the State as regards the status of the trial, it is desirable that the report is not only signed by the Investigating Officer but is also counter-signed by the concerned Public Prosecutor.

8. The Office of the learned Public Prosecutor is directed to circulate this order highlighting the immediately preceding paragraph amongst all the Public Prosecutors as well as all the Police Stations in the State of West Bengal.

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

10. 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.)