

24. 13.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1799 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 **Hastings** Police Station Case No. **17/2022** dated **10.02.2022** under Sections **20(b)(ii)(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Alauddin**

...petitioner.

Mr. Apalak Basu
Mr. Nazir Ahmed
Ms. Sanghamitra Mriddha
Mr. Soumyajit Chakraborty

...for the petitioner.

Mr. Subhamoy Bhattacharya
Ms. Jonaki Saha

...for the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. From the report we find that one prosecution witness has been examined in full. Two other witnesses have been examined in part.
3. We find that nine dates were fixed by the learned Trial Court after a co-ordinate Bench passed the order dated March 19, 2024, in CRM (NDPS) 522 of 2024, recording the assurance of the prosecution that the trial shall be concluded within eight months. However, on five occasions out of nine, the hearing had to be deferred at the instance of the prosecution.

4. We, therefore, see that there is little possibility of an early conclusion of the trial. The petitioner is in judicial custody for a few days short of three years. We cannot lose sight of the importance of the petitioner's fundamental right to personal liberty and speedy trial. These are the rights enshrined in Article 21 of the Constitution of India. Ordinarily, such rights must override all other considerations including the restrictions in Section 37 of the Narcotic Drugs and Psychotropic Substances Act, 1985.
5. Hence, solely on the ground of delay in progress of trial and very little possibility of an early conclusion of the trial, keeping in mind the lengthy detention of the petitioner, we feel constrained to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Alauddin** 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), (I/C) City Sessions Court at 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 and on further condition that the petitioner, while on bail, shall remain

within the Municipal limits of Kolkata, and shall furnish his present address to the Inspector-in-Charge of Hastings Police Station as well as to the learned Trial Court and shall also meet the Inspector-in-Charge of the Police Station within whose jurisdiction he shall presently reside, once every week, until further orders..

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) 1799 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)