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21-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1895 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 **Swarupnagar Police Station Case No. 733 of 2022 dated 25.07.2022 under Sections 21(b)(ii)B/21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Faruq Sardar.

.... Petitioner.

Mr. Avinaba Patra,
Mr. Agnik Malik,
Ms. Riya Das,

... For the Petitioner.

Mr. Anand Keshari,
Mr. Subhasish Datta,

... For the State.

Order dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. We find that one of the accused persons is still absconding.
Execution of warrant of arrest against that person is pending.
The trial was ultimately split up March 2024. Since then two prosecution witnesses have been examined. The petitioner is in custody for more than 2 years and 6 months. There are 11 chargesheet named witnesses. There is no possibility of an early conclusion of the trial. We cannot see that the delay in the trial can be attributed to this petitioner to any extent.
3. In view of the aforesaid and keeping in mind that the fundamental right of a citizen to personal liberty and speedy trial must ordinarily override all other considerations, we are of the view that the restrictions in Section 37 of the N.D.P.S. Act, would not stand in the way of granting bail to the petitioner, solely on the touchstone of Article 21 of the Constitution of India.

4. Accordingly, we direct that the petitioner, namely, **Faruq Sardar** 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 Barasat Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned Police Station, once in every week until further orders and on further condition that the petitioner shall also furnish the address where he will be residing to the Officer-in-Charge/Inspector-in-Charge in whose jurisdiction he will be residing and also the learned Trial Court.
5. 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.
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. The application for bail is, accordingly, allowed.
8. 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.)