

CRM (NDPS) 1930 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 **Chopra Police Station** Case No. **486 of 2022** dated **21.08.2022** under Sections **20(b)(ii)(c)** of the NDPS Act.

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In the matter of : Uttim Sahani

.... Petitioner.

Mr. Nirupam Dhali,

... For the Petitioner.

Mr. Rana Mukherjee,

Mrs. Manasi Roy,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. The petitioner claims that he is in custody for more than two years five months. There is no chance of an early conclusion of the trial since out of 12 witnesses only one witness has been examined by the prosecution so far. The petitioner may be enlarged on bail on any conditions.

2. Learned State Advocate opposes the bail prayer. He fairly submits that there is some delay but within 6/7 months the prosecution will conclude the trial.

3. We have considered the materials on record. It appears that there is no chance of an early conclusion of the trial since after framing of charge on June, 2023, only one witness has been examined by the prosecution. We note that the fundamental right of an accused to speedy justice has been given a place of pride in our legal system.

4. As the prosecution has failed to discharge its obligation to speedy disposal of criminal case so far as the present petitioner is concerned, we find that the petitioner is able to overcome the restrictions in Section 37 of the NDPS Act.

5. However, considering the fact that the petitioner is a resident of Mathura, Uttar Pradesh, we are inclined to enlarge him on bail but on certain conditions.

6. Accordingly, we direct that the petitioner, namely, **Uttim Sahani**, 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, Raiganj, Uttar Dinajpur 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 Raiganj Police Station and shall meet the I.C. of the concerned police station once every week until further orders.

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.)**