

28.01.2025
Item no. 50.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1958 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Gaighata Police Station Case No.303 of 2023 Dated 28.03.2023 under Section 21C of the NDPS Act

And

In the matter of : Shib Sankar Dhali Petitioner.

Mr. A. A. Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatun,
Ms. June Modak for the Petitioner.

Mr. Suman De,
Mr. Sujay Sarkar for the State.

Dictated by Arijit Banerjee, J.

1. Status Report filed by the State, be kept with the records.
2. We find that the petitioner is in custody for more than one year and ten months. Only 1 out of 6 charge sheet named witnesses has been examined. Charge was framed on November 22, 2023. Therefore, the pace at which the trial has progressed is, to say the least, pathetic.
3. The fundamental right of a citizen to personal liberty and speedy trial can hardly be overemphasized. Ordinarily, such right must override all other considerations, including the restrictions in Section 37 of the NDPS Act. In the present case, we find inordinate

delay in the progress of the trial. The delay cannot be attributed to the petitioner to any extent.

4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to grant bail to the petitioner.
5. Accordingly, we direct that the petitioner, namely **SHIB SANKAR DHALI** 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 at Barasat, North 24 Parganas, and on further conditions that he shall remain within the jurisdiction of the Gaighata Police Station and shall report to the Officer-in-Charge of the concerned Police Station once in a week until further orders.
6. 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 and/or commit any cognizable offence in any manner whatsoever.
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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)