

26
28-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 8 of 2025

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 **NCB Crime No. 02/NCB/KOL/2022 dated 30.01.2022 under Sections 8(C)/21(C)/25/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Mohammed Hassan.

.... Petitioner.

Ms. Karabi Roy,
Mr. Soumik Mondal,

... For the Petitioner.

Mr. Kallol Basu,
Mr. Sagar Saha,

... For the N.C.B.

Order dictated by Arijit Banerjee, J.

1. Report filed by the State be kept with the records.
2. Learned advocate for the petitioner tells us that on January 20 and 21, 2025, which were the dates fixed for recording of evidence, no witness turned up. Therefore, there was no progress in the trial. March 6, 2025, has been fixed as the next date.
3. The petitioner is in custody for more than 3 years now. Only 2 witnesses have been examined in full and 1 witness in part.
4. Learned advocate for Narcotics Control Bureau says that during the last schedule the witnesses were not present for personal reasons.
5. Be that as it may, the petitioner is in custody for a very long period of time. We cannot lose sight of the paramount importance of an accused person's fundamental right to personal liberty and speedy trial. An accused cannot be kept in

incarceration indefinitely without bringing the trial to its logical conclusion. In this case, it took the prosecution about 3 years to examine two witnesses in full. We are not at all hopeful of an early conclusion of the trial going by the pace at which the trial has proceeded. The delay in trial cannot be attributed to any extent to the petitioner.

6. In view of the aforesaid, without touching the merits of the case, solely on the touchstone of Article 21 of the Constitution of India, we are inclined to enlarge the petitioner on bail. We also note that while rejecting the bail prayer of the petitioner on April 23, 2024, a co-ordinate Bench had recorded the submission of NCB that trial would be concluded within 6 months from the next date fixed for recording of evidence. That date was June 12, 2024. However, the trial has not concluded within 6 months from that date.
7. Accordingly, we direct that the petitioner, namely, **Mohammed Hassan** 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), Krishnagar, Nadia, subject to the condition that the petitioner shall reside within the jurisdiction of the Kotwali Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the concerned Police Station, once in every week until further orders.
8. 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.

9. 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.
10. The application for bail is, accordingly, allowed.
11. 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.)