

15.
13-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 19 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Baishnabnagar Police Station Case No.1016 of 2022 dated 30-11-2022 under Sections 22(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Samim Sk.

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja

... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Dona Sanyal

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner complains that he is in custody for about 2 years 2 months. Only one out of ten charge sheet named witness has been examined. He prays for bail on the ground of delay in progress of trial.

2. While opposing the prayer for bail, learned State advocate tells us that huge quantity of Yaba Tablets was seized from the sole accused person being the petitioner. The prosecution is not responsible for the delay in progress of trial. All efforts will be made to conclude the trial on an early date.

3. We see that charge sheet was filed in June, 2023. Charge was framed in October, 2023. Since then, only one out of ten charge sheet named witness has been examined.

In other words, after framing of charge, in 1 year 4 months, one prosecution witness has been examined. At that rate, nobody knows when the trial would conclude. The petitioner is in custody for an appreciable period of time.

4. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Samim Sk.**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, 3rd Court, Malda. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)