

26.10.2023

Court No.8
Item. 09

(Suvendu/Sandip)

CRM(NDPS) 1773 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with South Port Police Station Case No. 208 of 2018 dated 18.07.2018 under Sections 20(b)(ii)(c)/ 29 of the NDPS Act, 1985 pending in the Court of the learned Additional District & Sessions Judge, 4th Court, Alipore, South 24 -Parganas being NDPS Case No. 67 of 2018.

And

In the matter of: Balwinder Singh

.....Petitioner.

Mr. Joy Chakraborty
Mr. Sandip Dinda

For the Petitioner.

Mr. Pravas Bhattacharya
Mr. Mirza Firoj Ahmed Begg

For the State.

1. Learned counsel appearing for the prosecution cannot even inform the Court as to the relevant dates of the matter including the date when the charges were framed against the petitioner.
2. It is however undisputed that the petitioner has been in custody for more than 5 years and only 4 out of 9 witnesses have been examined so far. The charge-sheet was submitted on 8th October, 2019.
3. The prosecution has shown scant regard for the rights of the petitioner under Article 21 of the Constitution of India.
4. The long period of incarceration, in our view, is sufficient ground to rebut the statutory restriction under Section 37 of the NDPS Act.

5. The prayer for bail is accordingly allowed.
6. We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned CJM at Alipore, South 24 -Parganas. The petitioner shall not induce witnesses or influence them or tamper with evidence. The petitioner shall report to the I.O. of the concerned Police Station once every fortnight and shall not leave the local limits of the local police station without leave of the learned CJM at Alipore. The petitioner shall also make himself available for the trial as and when the petitioner is required.
7. CRM(NDPS) 1773 of 2023 is accordingly allowed and disposed of in terms of the above.

(BIBHAS RANJAN DE, J.)

(MOUSHUMI BHATTACHARYA, J.)