

19.
Court
No.28

19.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1137 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Sagardighi** Police Station Case No. **336/2023**, dated **29.7.2023** under Sections **21(c)/29** of the NDPS Act, 1985. Charge-sheet submitted under Section **21(c)** of the NDPS Act, 1985
And

In the matter of: - **Maidul Sk @ Bulbul**

Mr. Tapodip Gupta

Mr. Arindam Sen

Mr. Ivan Roy

...petitioner.

...for the petitioner.

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner is in custody for about one year and 22 days. Charge has not yet been framed. As investigation is complete, he may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail. He submits that he has no instruction or information whether charge has been considered on August 14, 2024. He contends that 35 bottles of “wonderex” cough syrup containing codeine phosphate were recovered from the possession of the present petitioner. Learned Counsel for the State also placed on record FSL report which shows the existence of contraband item in the article seized.

3. We have considered the materials on record and find that there is no chance of early conclusion of trial since charge has not yet been framed and there are 12 witnesses yet to be examined.

4. Hence, only on the ground of delay in progress of trial, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Maidul Sk @ Bulbul** shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under NDPS Act-cum-Additional District Judge, 5th Court at Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the geographical limits of the district of Murshidabad and shall report to the Officer-in-Charge, Sagardighi Police Station once in every week until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail being CRM (NDPS) 1137 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)