

12. 05.12.2024
Court
No.29 (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 1464 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Durgapur** Police Station Case No. **406/2022** dated **03.09.2022** under Section **18(b)** of the Narcotic Drugs & Psychotropic Substances Act.

And

In the matter of: - **Ajoy Chowdhury @ Mala @ Ajay.**
...petitioner.

Mr. Avik Ghatak,
Mr. Saibal Krishna Dasgupta
...for the petitioner.

Mr. Joydeep Biswas,
Mr. Subhajit Chowdhury
...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 2 (two) years and 3 (three) months. Only 1 (one) out of 12 (twelve) charge-sheet named witnesses has been examined and that, too, in part.
3. Although, the status report indicates that the prosecution intends to examine 5 (five) more witnesses, it does not appear to be practically possible to conclude the trial on an early date. The next date fixed is January 30, 2025. It cannot also be said that the delay in trial is wholly or substantially attributable to

the petitioner herein. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to enlarge the petitioner on bail.

4. In view of the aforesaid, we grant bail to the petitioner.
5. Hence, we **allow** the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioners, namely, **Ajoy Chowdhury @ Mala @ Ajay** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned *Special Court, NDPS, Asansol, Paschim Bardhaman*. The petitioner shall appear before the trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge, Asansol police station twice in a week, until further orders.
7. 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.
8. The application for bail being CRM (NDPS) 1464 of 2024 is, thus, disposed of.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
10. 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.)