

CRM (NDPS) 1675 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Gopalnagar Police Station** Case No. **285 of 2023** dated **09.05.2023** under Sections **21(C)/29** of the NDPS Act.

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In the matter of : Paritosh Dey

.... Petitioner.

Mr. S. Sekhar Saha,

... For the Petitioner.

Mr. Antarikhya Basu,

Mr. Prakash Mishra,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Report filed by the State be kept with the records.
2. We find from the report that the prosecution intends to examine all 15 charge sheet named witnesses.
3. The petitioner is in custody for one year seven months. The seizure was made on May 9, 2023. There were two seizures made from this petitioner. In respect of the second seizure, the FSL report has been received only on December 10, 2024. Papers under Section 207 of the Code of Criminal Procedure have not been supplied to the petitioner. Naturally, charge has not been framed.
4. From the above, it is quite clear that there is zero possibility of an early conclusion of the trial. Charge has not even been framed.
5. Without touching the merits of the case, solely on the anvil of Article 21 of the Constitution of India, in spite of strong opposition from the end of the State, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Paritosh Dey**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Barasat, North 24 Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of the concerned Police Station and shall meet the officer-in-charge of the concerned police station once every fortnight until further orders.

7. 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.

8. The application for bail is, accordingly, allowed.

9. 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.)