

39. 13.02.2025
Court
No.29 (Tanmoy)

Allowed

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

CRM (NDPS) 43 of 2025

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 **Kaliganj** Police Station Case No.**327/2022** dated **25.5.2022** under Section **21(C)/29/8C** of the NDPS Act, 1985.

And

In the matter of: - **JULLUR RAHAMAN SK @ SEKH**

...petitioner.

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas

...for the petitioner.

Mr. Joydeep Roy
Mr. Aritra Bhattacharya

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner is in custody for more than two years and eight months. The two independent witnesses to the seizure list do not support the prosecution case. There is no chance of an early conclusion of the trial. The petitioner may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel appearing for the State opposes the prayer for bail. However, according to him, there is no ground of delay since the prosecution has been able to examine eight witnesses out of 11 charge-sheet named witnesses during trial. There is a fair chance of the petitioner's conviction.
3. We have considered the materials on record including the deposition of the witnesses. We find that the independent

witnesses did not support the prosecution case. One of them, being PW3, has been declared hostile. However, the petitioner is in custody for more than two years and eight months. There is also no chance of an early conclusion of the trial. Considering the period of detention of the petitioner as well as the materials on record, we are of the view that the petitioner has been able to override the restrictions imposed under Section 37 of the Narcotics Drugs and Psychotropic Substances Act, 1985. Hence, the petitioner may be enlarged on bail on certain conditions.

4. Accordingly, we direct that the petitioner, namely, **JULLUR RAHAMAN SK @ SEKH** 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 the learned Judge, Special Court (under NDPS Act), Krishnagar, Nadia, subject to condition that 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 Bharatiya Nagarik Suraksha Sanhita, 2023, 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 remain within the territorial jurisdiction of Kotwali Police Station, Krishnagar (that is jurisdiction of the learned Trial Court) and shall meet the Inspector-in-

Charge/Officer-in-Charge of the said Police Station once in a week, until further orders..

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
6. The application for bail being CRM (NDPS) 43 of 2025 is accordingly disposed of.
7. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)