

57.
13-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 62 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Ashok Nagar Police Station Case No.122 of 2021 dated 12-02-2021 under Sections 20(b)(ii)(c)/28/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Partha Saha

.... Petitioner.

Mr. Fazlur Rahman,
Mr. Md. Babul Hossain

... For the Petitioner.

Mr. Saryati Dutta,
Mr. Dattatreya Dutta

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected on August 30, 2024. The last rejection was primarily on the basis of an order dated March 30, 2023 passed on a bail application of a co-accused person being CRM (NDPS) 594 of 2023, whereby two years' time was granted for conclusion of the trial. That time period is to expire on May 17, 2025. On instruction, learned State counsel tells us that the trial will definitely be concluded by that date.

2. The petitioner renews his prayer saying that after August 30, 2024, only two witnesses have been examined. There are 25 charge sheet named witnesses. Therefore, early

conclusion of the trial or conclusion within May 17, 2025, is impossible.

3. Opposing the prayer for bail, learned State advocate tells us that the prosecution has examined four witnesses till date. It proposes to examine eight more witnesses. The trial would definitely conclude within May 17, 2025.

4. We have considered the rival contentions of the parties. The petitioner is in custody for more than four years. Given the pace at which the trial has been proceeding, it is highly improbable that the trial would conclude by May 17, 2025. The petitioner is in custody for over four years.

5. Therefore, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Partha Saha**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, 6th Court, Barasat, Special Court under NDPS Act. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the jurisdiction of Nabadweep Police Station except for the purpose of attending the court proceedings and shall report to the Officer-in-Charge/Inspector-in-Charge of Nabadweep Police Station once in a fortnight, 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 is, thus, **allowed**.

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.)