

18.02.2025
Item no. 26.
Court No.29.
AB
(Allowed)

CRM (NDPS) 65 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Golabari Police Station Case No.91 of 2023 Dated 06.04.2023 under Section 21(c)/29 of the NDPS Act

And

In the matter of : Kajal Biswas @ Kajol Biswas & Anr.

.....Petitioners.

Mr. Joydeep Biswas,
Mr. Ashok Das,
Mr. Koushik Ghosh,
Ms. Hasi Jana,
Mr. S. Mondal for the Petitioners.

Ms. Sreyashi Biswas,
Ms. Sana Naaz for the State.

Dictated by Arijit Banerjee, J.

1. The petitioners complain that they are in custody for more than one year and ten months. Only 1 out of 13 charge sheet named witnesses has been examined. On the ground of delay in progress of the trial, they pray for bail.
2. Opposing the prayer, learned State Counsel tells us that 420 grams of heroin was recovered from the petitioners. C.S.W. 2 has died. Therefore, the State will examine 11 more witnesses.
3. We, therefore, see that there is no possibility of an early conclusion of the trial. The petitioners are in custody for more than one year and ten months.

4. Without touching the merits of the case and solely on the plinth of Article 21 of the Constitution of India, we feel constrained to enlarge the petitioners on bail.
5. Accordingly, we direct that the petitioners, namely **KAJAL BISWAS @ KAJOL BISWAS** and **CHANDAN KUMAR RAJAK @ CHANDAN KUMAR** shall be released on bail upon furnishing a bond of Rs.25,000/-each, with two sureties of Rs.12,500/-each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Howrah, and on further conditions that they shall not leave the jurisdiction of the Howrah Police Station and shall report to the Inspector-in-Charge of the Howrah Police Station twice a week until further orders.
6. The petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.)

