

24. 21.02.2025
Court
No.29 (Tanmoy)

Allowed

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

CRM (NDPS) 81 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 **Berhampore** Police Station Case No. **654/2015** dated **24.11.2015** under Sections **21(C)** of the NDPS Act, 1985.

And

In the matter of: - **MITAN SK @ BUCHAN @ MATIN SK**

...petitioner.

Mr. Arnab Chatterjee
Ms. Poulami Bose

...for the petitioner.

Mr. Rudradipta Nandy, APP
Mr. Rajib Jana

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for 11 months. This is a case of 2015. He was granted bail by the learned Trial Court by an order dated February 17, 2016. In 2018, he was arrested in connection with another NDPS case. In that case, he was acquitted in 2022. After that, he did not attend the learned Trial Court but made appropriate petitions in accordance with law. If it be contended that he was absconding, it would not be for more than 32 days. Presently, there is no progress in the trial. Witness action has not begun. There are 11 charge-sheet named witnesses. He prays for bail.
2. Opposing the prayer for bail learned Additional Public Prosecutor says that the petitioner was absconding for a

considerable period of time after his acquittal in 2018 case. If granted bail, he is likely to abscond again.

3. We have considered the facts and circumstances of the case. The apprehension of the petitioner's absconsion may be taken care of by imposing stringent conditions. We do not find the conduct of the petitioner to be so bad in the present case that he should be denied bail although there is no progress in the trial. He is in custody for 11 months. Witness action has not yet begun.
4. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **MITAN SK @ BUCHAN @ MATIN SK** 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, Berhampore, Murshidabad, 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 stay within the territorial jurisdiction of Berhampore Police Station, Murshidabad and shall meet the Inspector-in-Charge of the said Police Station once in a week, until further orders.

6. 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.
7. The application for bail being CRM (NDPS) 81 of 2025 is accordingly disposed of.
8. 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.)