

CRM (NDPS) 85 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Sankrail Police Station** Case No. **681 of 2023** dated **07.09.2023** under Sections **21(c)/25/28/29** of the NDPS Act.

- A n d -

In the matter of : Dinesh Kumar

.... Petitioner.

Mr. Joydeep Biswas,
Mr. A. Das,
Mr. S. Mukherjee,
Mr. K. Ghosh,
Ms. H. Jana,

... For the Petitioner.

Mr. Joydeep Roy,
Ms. M. Basak,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Status report filed by the State in court today be kept with the records.
2. We find that charge was framed on February 13, 2025 by the Judge-in-Charge. The regular bench is not available. It is lying vacant.
3. The petitioner is in custody for almost one and half years. Witness action has not yet started. There are 17 charge sheet named witnesses. In today's status report, it is mentioned that the prosecution intends to examine 8-10 witnesses.
4. In the aforesaid factual scenario and particularly taking note of the fact that the regular bench is not there, we do not see the possibility of an early conclusion of the trial or conclusion within a reasonable time period.
5. Therefore, considering the period of detention of the petitioner coupled with no possibility of early conclusion of the trial

and since the State has not indicated that the petitioner has any criminal antecedents, we are inclined to enlarge the petitioner on bail solely on the touchstone of Article 21 of the Constitution of India, without touching the merits of the case.

6. Accordingly, we direct that the petitioner, namely, **Dinesh Kumar**, 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, Howrah 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 remain within the jurisdiction of the Howrah police station and shall meet the I.C of the concerned police station twice in a week 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.)**