

CRM (NDPS) 113 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kaliachak Police Station Case No. 397 of 2022** dated **16.04.2022** under Sections **21(c)/27A/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Mosaraf Sk @ Mosraf Sk. Petitioner.

Md. Wasim Akram,
Mr. Sajis Halder,
Ms. Sabina Parvez, ... For the Petitioner.

Ms. Subhasree Patel,
Mr. Sharegul Haque, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner complains of inordinate delay in trial. He says that he is in custody for more than 2 years and 4 months. Only 1 prosecution witness has been examined, that too, in part. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. The State has filed a status report. Let the same be kept with the records.
3. From the report, we find that only the investigating officer has been examined in part. On several dates, the matter had to be adjourned because the witness did not turn up before the learned Trial Court. The prosecution intends to examine 7 more witnesses. Therefore, the possibility of an early conclusion of the trial is extremely bleak.
4. Without touching the merits of the case and solely on the ground of delay in trial and no possibility of an early conclusion of the trial, we feel constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Mosaraf Sk @ Mosraf Sk** shall be released on bail upon furnishing a bond of Rs. 25,000/ 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), Malda, subject to the condition that the petitioner shall remain within the jurisdiction of the Kaliachak Police Station and shall meet the Officer-in-Charge/Inspector-in-Charge of the Kaliachak Police Station, once in a fortnight until further orders.

6. The petitioner 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 in any manner whatsoever.

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.)