

CRM (NDPS) 173 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 **AJC Bose B. Garden P.S. Case No. 189 of 2023** dated **25.08.2023** under Sections **20(b)(ii)C** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Anamika @ Anamika Bharoti. Petitioner.

Mr. Soumya Basu Roy Chowdhury, ... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Pallavi Priyadarshee, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner renews her prayer for bail which was rejected earlier on April 22, 2024 in CRM (NDPS) 690 of 2024. She says that she is in custody for about 1 year and 6 months. Even charge has not been framed. There are 10 chargesheet named witnesses. The trial has not even begun. Nobody can say when the trial will conclude.

2. Learned State advocate, while opposing the bail prayer, says that the Trial Court is lying vacant.

3. We see that chargesheet was filed on January 9, 2024.

4. Till date, charge has not been framed, although more than 13 months have elapsed since filing of chargesheet. There are 10 chargesheet named witnesses. Since the trial has not even begun, it is impossible to say when the trial will conclude.

5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India and also considering that the petitioner is a lady, we are inclined to allow the bail prayer of the petitioner.

6. Accordingly, we direct that the petitioner, namely, **Anamika @ Anamika Bharoti** 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), Howrah subject to the condition that the petitioner shall remain within the jurisdiction of the Howrah Police Station and shall meet the Bench Clerk of learned Additional District & Sessions Judge, 3rd Court (Spl. Judge NDPS Act), Howrah, once in every week during official hours of the Court until further orders.

7. 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.

8. 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.

9. The application for bail is, accordingly, allowed.

10. 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.)