

26.
03-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 122 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Rajapur Police Station Case No.238 of 2023 dated 22-09-2023 under Sections 20(b)(ii)(C)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Khorsed Ali

.... Petitioner.

Mr. Shataroop Purakayastha,
Ms. Supriya Datta,
Mr. Hamidur Rahaman

... For the Petitioner.

Mr. Ranadeb Sengupta,
Mr. Atanu Ghosh

... For the State.

Dictated by Arijit Banerjee, J.

1. Status report filed by the State is taken on record. From the report, we see that out of 20 charge sheet named witnesses, the prosecution proposes to examine 15. Only one witness has been examined after charge was framed on March 05, 2024.

2. We further see that on various dates, prosecution witnesses were absent. Presently, the trial Court is lying vacant, as submitted by learned advocate for the petitioner.

3. Learned advocate for the State says that on August 20, 2024, the Presiding Officer got transferred to another court.

4. The long and short of the above is that there is very little possibility of an early conclusion of the trial. The petitioner is in custody for more than 1 year 5 months.

5. Solely on the touchstone of Article 21 of the Constitution of India and without touching the merits of the case, we feel constrained to allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Khorsed Ali**, 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 learned Judge, Special Court under NDPS Act, Howrah. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the territorial limits of Howrah Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of Howrah Police Station once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Howrah Police Station and Rajpur Police Station his current local address at Howrah where he shall be residing while on bail.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)