

CRM (NDPS) 145 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 **NDPS Case No. 36 of 2021 arising out of NCB Crime No. 66/NCB/Kol/2021** under Sections **8(C)/20(b)(ii)(A)/22(c)/23/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Zaheer Ahammad. Petitioner.

Mr. Soumyajit Chakraborty, ... For the Petitioner.

Mr. Arun Kumar Maiti (Mohanty),
Mr. Amarendra Chakraborty, ... For the NCB.

Order dictated by Arijit Banerjee, J.

1. Read order dated February 21, 2025.
2. Report filed by NCB be kept with the records.
3. We find from the report that 6 more witnesses are proposed to be examined by NCB. The petitioner is in custody for about 3 years and 5 months.
4. We noted in our last order that while rejecting the bail prayer of a co-accused person by an order dated September 2, 2024, the Hon'ble Supreme Court had been pleased to direct conclusion of the trial preferably within a period of 6 months from the date of the order. The Hon'ble Court reserved liberty to that person, namely, Toufik Ahmed Khan, to renew his prayer for bail if the trial did not conclude within the time period indicated in the order of the Hon'ble Supreme Court.
5. We find that the period of 6 months expired on or about March 2, 2025.
6. Learned advocate for NCB says that the next dates fixed are March 10 and 11, 2025, for examination of witness. The

prosecution put up a petition for preponement of the date. The accused persons prayed for adjournment of such put up petition. Having done so, none of the accused persons can complain of delay and pray for bail on the ground of delay.

7. We find from the order of the learned Trial Court dated February 24, 2025, that the accused persons recorded their no objection to preponement of the date.

8. Therefore, we do not find that the delay in the trial can be attributed to any appreciable extent to the petitioner. He has been in custody for a very long period of time. We do not see the possibility of the trial being concluded on an early date.

9. We also notice that there was no recovery from the possession of the petitioner. He has been implicated on the basis of the statements made by co-accused persons.

10. Be that as it may, purely on the touchstone of inordinate delay in progress of trial coupled with very little possibility of an early conclusion of the trial, which infringes the petitioner's fundamental rights under Article 21 of the Constitution of India, we feel constrained to allow his prayer for bail.

11. Accordingly, we direct that the petitioner, namely, **Zaheer Ahammad** 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), Calcutta, subject to the condition that the petitioner shall not leave the jurisdiction of municipal limits of Kolkata, except for attending court proceedings and shall meet the

NCB officer, Rajarhat, North 24-Parganas, once in every week until further orders.

12.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.

13.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.

14.Noticing the long pendency of this case, we request the learned Trial Court to expedite the trial to the maximum extent possible and conclude the same on an early date.

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

16.All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)