

01.05.2025
Item no. 14
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 153 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 and/or an application under section 483 of the BNSS, 2023 in connection with Amta Police Station Case No. 173 of 2022 dated 30.05.2022 corresponding to T.R. Case No. 22 of 2022 under section 21(c)/29 of the N.D.P.S. Act.

In the matter of : ***Sukanta Karak @sagar***
.... Petitioner.

Mr. Toslim Ali ...for the Petitioner.

Mrs. Subhasree Patel
Mr. Raju Mondal ...for the State

The prosecution case is that 1.2 Lts. of codeine mixture was recovered from the possession of the petitioner.

It is submitted that the petitioner is in custody for about two years and ten months. It further appears from the order dated 05.10.2024 that this Court while rejecting the prayer for bail of the petitioner directed the learned trial court to conclude the trial at an early date and positively within four months from the date of communication of the order by the parties. It is further submitted that three more witnesses are still required to be examined.

Learned counsel appearing on behalf of the petitioner referring the copy of the evidence has also pointed out that during trial the prosecution failed to implicate the present petitioner with the alleged offence.

Accordingly petitioner has prayed for bail on any terms and conditions.

Learned counsel appearing on behalf of the State raised objection contending that within a short span of time examination of three more witnesses will be concluded.

I have considered the submissions made by both the parties.

On perusal of the copy of recorded evidence as placed by the learned counsel for the petitioner, it appears that prosecution so far examined four witnesses and none of the four witnesses could identify the present petitioner during trial.

Considering the long incarceration of the petitioner and that in spite of specific direction the trial Court failed to conclude the trial within reasonable period and thereby petitioner's fundamental right to get speedy trial is at stake, the prayer for bail is allowed.

Accordingly, the petitioner namely, **Sukanta Karak @ sagar** shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Howrah.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or

documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his cell phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

This application for bail being CRM (NDPS) 153 of 2025 is, thus, allowed.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)

