

CRM (NDPS) 168 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.24 of 2020 being STF P.S. Case No. 18 of 2020** dated **18.05.2020** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Mukesh Saroj. Petitioner.

Mr. Raja Mukherjee, ... For the Petitioner.

Ms. Sreyashi Biswas,
Mr. Aritra Bhattacharyya, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was last rejected on August 23, 2024, in CRM (NDPS) 1307 of 2024. While rejecting the bail prayer, we had noted that he was in custody for 4 years and 3 months. Accordingly, we had directed the learned Trial Court to expedite the trial as much as possible and conclude the same on an early date but positively by the end of the year.

2. Learned advocate for the petitioner says that in spite of due communication of the aforesaid order dated August 23, 2024, to learned Trial Court, the trial is yet to conclude. As of date, the petitioner is in custody for 4 years and 9 months.

3. The State says that the last prosecution witness is scheduled to be examined on March 17, 2025. The trial is on the verge of conclusion. A huge quantity of Phensedyl Syrup was seized from the possession of the accused persons including this petitioner. Hence, bail should not be granted.

4. We see that in spite of our positive direction for conclusion of trial by the end of 2024, the same has not happened. The petitioner is already in custody for a very long period of time.

5. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel impelled to enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Mukesh Saroj** 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), Bichar Bhaban, Kolkata subject to the condition that the petitioner shall remain within the jurisdiction of the learned Trial Court and shall meet the Officer-in-Charge/Inspector-in-Charge, STF Police Station, once in every week 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.)