

CRM (NDPS) 165 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 **Samsherganj Police Station Case No. 88 of 2023** dated **20.03.2023** under **Sections 21(C)/22(C)/27A/29/30** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Sk. Motibur Rahaman & Anr. Petitioners.

Mr. Arnab Chatterjee,
Mr. Dhanasree Biswas,
Ms. Poulami Bose, ... For the Petitioners.

Ms. Anasuya Sinha, Ld. APP
Ms. Rajnandini Das, ... For the State.

Order dictated by Arijit Banerjee, J.

1. Status report filed by the State be kept with the records.
2. From the report we find that the prosecution intends to examine 13 out of 20 chargesheet named witnesses. 4 witnesses have been examined till date. Therefore, there is little possibility of an early conclusion of the trial. The petitioners are in custody for about 2 years already.
3. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we feel constrained to grant bail to the petitioner.
4. Accordingly, we direct that the petitioners, namely, **Sk. Motibur Rahaman** and **Saheb Sk.** shall be released on bail upon furnishing a bond of Rs. 25,000/- each 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), Murshidabad at Berhampore subject to the condition that the petitioner shall remain within the jurisdiction of the Samsherganj Police Station and shall meet the

Inspector-in-Charge of the Samsheganj Police Station, once in a fortnight, until further orders.

5. The petitioners 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.

6. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

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

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

(Om Narayan Rai, J.)

(Arijit Banerjee, J.)