

CRM (NDPS) 171 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Alipore Police Station** Case No. **86 of 2022** dated **24.07.2022** under Sections **20(b)(ii)(c)/29** of the NDPS Act.

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In the matter of : Md. Omar

.... Petitioner.

Mr. Moniruzzaman,
Mr. Arnab Chatterjee,
Mr. J. Badsha,
Ms. Poulami Bose,

... For the Petitioner.

Ms. Subhasree Patel,
Ms. Puja Goswami,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he is in custody for two years seven months. While rejecting his prayer for bail on June 28, 2024, in CRM (NDPS) 1013 of 2024, we had directed the learned Trial Court to make all efforts to expedite the trial and conclude the same on an early date and definitely within a period of six months from the next date fixed for recording of evidence, excluding the official vacations. The parties were directed to communicate the order to the learned Trial Court.

2. Neither of the parties could demonstrate before us that the order was communicated to the learned Trial Court.

3. Be that as it may, we find that the petitioner is in custody for a long period of time. Only 2 out of 11 charge sheet witnesses have been examined. The State, however, says that 5 more witnesses are proposed to be examined.

4. In any event, we do not see that the trial is likely to conclude on an early date.

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

6. Accordingly, we direct that the petitioner, namely, **Md. Omar**, shall be released on bail upon furnishing a bond of Rs. 25,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Alipore, South 24 Parganas subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the Alipore Police Station and shall meet the O.C./I.C. of the said Police Station twice in a week until further orders.

7. 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.

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

9. 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.**)