

21.03.2025
Item no. 28.
Court No.29.
AB
(Allowed)

CRM (NDPS) 224 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No.31 of 2022 under Section 20(b)(ii)(c)/8C/25 of the NDPS Act

And

In the matter of : Nand Kumar Mehta

.....Petitioner.

Mr. S. Bhattacharya,
Ms. Sarmistha Defor the Petitioner.

Mr. Anirban Mitra,
Mr. Somnath Adhikaryfor the NCB.

Dictated by Arijit Banerjee, J.

1. Report filed on behalf of the Narcotics Control Bureau (NCB), be kept with the records.
2. From the report we find that only 1 out of 8 charge sheet named witnesses has been examined till date, that too, in part. On repeated occasions, witnesses did not turn up before the learned Trial Court as would appear from the order sheets. The petitioner is in custody for about three years.
3. The pace, at which the trial is progressing, indicates that there is no certainty as to when the trial will conclude. We are conscious that huge quantity of ganja was recovered from the accused persons. We are also conscious of the restriction in Section 37 of the NDPS Act.
4. However, ordinarily the fundamental right of a citizen to personal liberty and speedy trial must override all other

considerations. However strong the prosecution case may be, an under-trial accused cannot be kept in judicial custody for an unreasonably long period of time without there being any progress in the trial.

5. It is not the case of NCB that this petitioner has criminal antecedents. He is in custody for a very long period of time without there being any corresponding appreciable progress in the trial.
6. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, in spite of vehement objection raised by learned Counsel for NCB, we are constrained to allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely **NAND KUMAR MEHTA** 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 at Raiganj, Uttar Dinajpur, and on further conditions that he shall not leave the jurisdiction of Raiganj Police Station and shall report to the Officer-in-Charge of Raiganj Police Station on every alternate day until further orders.
8. 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 and/or commit any cognizable offence in any manner whatsoever.

9. 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.
10. The application for bail is, accordingly, allowed.
11. 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.)