

71. 06.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 248 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Watgunge Excise Circle SI's SL No. 69/21** dated **30.11.2021** under Section **8(c)** read with Section **20(b)(ii)(C)** of the NDPS Act, 1985.

And

In the matter of: - **GOBINDA CHANDRA KATUAL**

...petitioner.

Mr. Angshuman Chakraborty
Mr. S.S. Saha

...for the petitioner.

Mr. Avishek Sinha
Mr. Akash Ganguly

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for three years and three months. Allegedly 22 Kgs. of *ganja* was recovered from a public bus of which he was the driver. Only one out of 12 charge-sheet named witnesses has been examined, that too, in part. Nobody can say when the trial will conclude. He prays for bail on the touchstone of Article 21 of the Constitution of India.
2. Learned State Counsel, while opposing the bail prayer, says that Call-Detail Records (CDRs) show that there was frequent exchange of phone calls between the petitioner and the prime accused. Such records have been made exhibits before the learned Trial Court. There is sufficient incriminating material

against the petitioner. All efforts will be made to conclude the trial on an early date.

3. The prosecution may have an iron-cast case against the petitioner. Nobody stands in the way of the prosecution securing the petitioner's conviction and punishing him in accordance with law. However, a citizens' fundamental right to personal liberty and speedy trial ordinarily overrides all other considerations. Three years and three months is far too long a period of time to detain an under-trial accused in judicial custody pending disposal of the trial.
4. Hence, without making any comment on the merits of the case and solely on the ground of inordinate delay in progress of the trial coupled with zero possibility of an early conclusion of the trial, we feel constrained to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **GOBINDA CHANDRA KATUAL** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, South 24-Parganas at Alipore, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any

manner whatsoever and on further condition that the petitioner, while on bail, shall not leave the territorial jurisdiction of Watgunge Police Station, except for the purpose of attending Court proceedings and shall furnish his present address to the Inspector-in-Charge of the said Police Station as well as the learned Trial Court and shall also meet the Inspector-in-Charge of the said Police Station once in a week, until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (NDPS) 248 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)