

CRM (NDPS) 254 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 **Samserganj Police Station Case No.136 of 2023** dated **06.05.2023** under Sections **21(c)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

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In the matter of : Salman Hossain Talukder. Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman, ... For the Petitioner.

Mr. Ronobir Roy Chowdhury,
Mr. Nirupam Dhali, ... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than 1 year and 10 months. All the other 3 accused persons are on bail. Charge was framed on July 24, 2024. Since then, 2 schedules of 3 dates each were fixed by the learned Trial Court. Not a single witness was examined. There are 10 chargesheet named witnesses. There is no possibility of an early conclusion of the trial. On the ground of delay and long detention, he prays for bail.

2. Learned State counsel, while opposing the bail prayer, points out that more than 700 grams of Yaba Tablets were recovered from the joint possession of the four accused persons. All efforts will be made to conclude the trial on an early date. There is strong incriminating evidence against the petitioner.

3. We have considered the facts and circumstances of the case. Charge was framed about nine months ago. There has been no progress in the trial since then. There are 10 chargesheet named witnesses. The petitioner is in custody for about 2 years.

4. In view of the aforesaid, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner, namely, **Salman Hossain Talukder** 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), Berhampore, Murshidabad subject to the condition that the petitioner shall remain within the jurisdiction of the Berhampore Police Station except for the purpose of attending court proceeding and shall meet the Inspector-in-Charge/Officer-in-Charge, Berhampore Police Station, once in a week until further orders.

6. 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.

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.)