

101.
03-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 257 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with S.T.F. Police Station Case No.08 of 2022 dated 13-03-2022 under Sections 21(c)/27A/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sudip Karmakar

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Mr. Abdul Aziz Mondal

... For the Petitioner.

Ms. Sreyashee Biswas,
Ms. Pushpita Saha

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was earlier rejected on August 08, 2023 in CRM (NDPS) 1369 of 2023. He says that he is in custody for ten days short of three years. Only 5 out of 14 charge sheet named witnesses have been examined in full. PW 6 is now in the process of being examined. On the ground of delay in progress of trial and the period of detention, he renews his prayer for bail.

2. The petitioner further says that a co-accused person by the name of Nisarja Bibi @ Nisat Zeeben has been granted bail by the Hon'ble Apex Court by order dated February 25, 2025 considering the period of incarceration.

3. Learned advocate for the State, while opposing the prayer for bail, says that charge was framed in June, 2023.

After that, there has been steady progress in the trial. The 6th prosecution witness is in the process of examination. All efforts will be made to conclude the trial on an early date. The accused person who has been granted bail by the Supreme Court is a lady and on that consideration, bail was granted.

4. We have considered the rival contentions of the parties. The petitioner is in custody for almost three years. Nine more witnesses will be examined by the prosecution. Early conclusion of the trial seems to be a far cry.

5. 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 allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Sudip Karmakar**, 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 learned Additional District & Sessions Judge, Special Judge, NDPS Act, City Sessions Court, Calcutta. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the territorial limits of Kolkata Municipal Corporation except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of S.T.F. Police Station once in every week, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, S.T.F. Police Station and Kaliganj Police

Station his current local address at Calcutta where he shall be residing while on bail.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)