

40.
21-03-2025
(ct. no.29)
debajyoti
(allowed)

CRM (NDPS) 272 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 Maidan Police Station Case No.59 of 2022 dated 29-06-2022 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Md. Zahid Hussain @ Zahid Hussain
.... Petitioner.

Mr. Prodip Paul
... For the Petitioner.

Mr. Joydeep Biswas,
Ms. Poulami Bose
... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner prays for bail on the touchstone of Article 21 of the Constitution of India. He says that he is in custody for 997 days (approximately 2 years 9 months). He says that only 2 out of 8 charge sheet named witnesses have been examined in full. Nobody can say when the trial would conclude.

2. Opposing the prayer for bail, learned State counsel draws our attention to an order dated October 09, 2023 passed by a coordinate Bench in CRM (NDPS) 1638 of 2023. While rejecting the bail prayer of a co-accused person, the coordinate Bench requested the trial Court to expedite the trial and conclude the same on an early date preferably within two years from the next date for recording evidence without granting unnecessary adjournments to either of the parties.

Learned advocate says that the time period granted has not expired.

3. We find that after the order dated October 09, 2023 was passed, there is no appreciable progress in the trial. The petitioner is in custody for a long period of time. Going by the pace at which the trial has proceed so far, it is very unlikely that the trial would conclude on an early date.

4. Hence, without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are constrained to allow the petitioner's prayer for bail.

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

6. Accordingly, we direct that the petitioner, namely, **Md. Zahid Hussain @ Zahid Hussain**, 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 Judge, Bench I, NDPS Act, City Sessions Court, Calcutta. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall remain within the municipal limits of Kolkata Corporation and shall report to the Officer-in-Charge/Inspector-in-Charge of Maidan Police Station once in a week, until further orders.

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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)