

44. 21.03.2025
Court
No.29 (Pritam)
(Allowed)

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

CRM (NDPS) 278 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 **Kaliachak** Police Station Case No.**1439/2021** dated **27.12.2021** under Section **21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985 & Section 27A of the Drugs and Cosmetics Act.

And

In the matter of: - **Mahidul Sk.**

...petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

...for the petitioner.

Ms. Anasuya Sinha, Ld. A.P.P.,
Mr. Arup Sarkar

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for more than a year. Witness action in this case had concluded. The learned trial court fixed dates for examination of the accused persons under Section 313 Cr.P.C. Now, other absconding accused persons have surrendered. The trial has now commenced against them. It is anybody's guess when the trial will conclude. He prays for bail.
2. We have gone through the depositions of the witnesses examined before the learned trial court. On a *prima facie*

assessment of the evidence on record, we are of the opinion that the petitioner has been able to tide over the restrictions of Section 37 of the NDPS Act.

3. Accordingly, we **allow** the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely, **Mahidul Sk.** 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 Judge, 4th Court, Special Court, Malda*. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. 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.
6. The application for bail being CRM (NDPS) 278 of 2025 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. 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.)