

17.06.2025
Item no. 31
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 290 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail Police Station Case No. 154 of 2023 dated 19/02/2023 under sections 21(C)/29 of the NDPS Act, 1985.

In the matter of : **Rashid Molla @ Bhai** Petitioner.

Mr. Soumyajit Das Mahapatra
Mr. Soumya Basu Roy Chowdhury ...for the Petitioner.

Mr. Avishek Sinha
Mr. Akash Ganguly ... for the State.

Petitioner submits that 3.455 lts. of liquid codeine mixtures has been allegedly recovered from the possession of the present petitioner and the petitioner is in custody since 19.02.2023 i.e, for about two years and four months. He further submits that this Court while rejected his bail prayer on 04th April, 2024 made specific direction upon the trial court to fix at least a schedule of three dates in every 45 days which has not been complied. Petitioner further submits that examination of witness lastly made on 23.09.2024 and since then no further witnesses could be examined by the prosecution. He further submits that nobody knows when the trial would be concluded, as the prosecution proposes to examine seventeen witnesses out of which they have so far examined only eight witnesses. Accordingly, he prayed for bail on any terms and conditions.

Learned counsel appearing on behalf of the State raised objection against the bail prayer made by the petitioner contending that the Court was lying vacant since September, 2024. However, very recently new officer has joined and he has fixed the date on 7th August, 2025 for examining the rest witnesses and hopefully the examination of witnesses could be completed shortly.

Having considered the submissions made on behalf of both the parties and that the petitioner is in custody for about two years four months and that out of seventeen witnesses only four witnesses could be examined so far and that the delay apparently is not attributable to the petitioner and considering the same the prayer for bail made by the petitioner is allowed solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Rashid Molla @ Bhai** shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Howrah, and also on condition that the petitioner shall not leave the geographical limit of the district Howrah, without the leave of the trial court till further order and shall report to the Officer-in-charge, Sankrail Police Station, Howrah, once in a week until further order.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his cell phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

This application for bail being CRM (NDPS) 290 of 2025 is, thus, allowed.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)