

17.03.2025  
Item no. 62.  
Court No.29.  
AB  
(Allowed)

## CRM (NDPS) 301 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Petrapole Police Station Case No.4 of 2023 Dated 12.01.2023 under Section 21(c) of the NDPS Act

And

**In the matter of : Amitav Mitra .....Petitioner.**

Mr. Shekhar Barman .....for the Petitioner.

Ms. Faria Hossain,  
Mr. Samarjit Balial .....for the State.

**Dictated by Arijit Banerjee, J.**

1. While rejecting the petitioner's prayer for bail, by an order dated July 8, 2024 in CRM (NDPS) 1070 of 2024, this Bench, considering that the petitioner was then in custody for about 500 days, had directed the Trial Court to expedite the trial to the fullest extent possible and conclude the same on an early date and definitely within six months from the next date fixed for recording of evidence, without granting unnecessary adjournment to either of the parties. We had further granted liberty to the petitioner to renew his bail prayer if the trial did not conclude within the time period indicated in the aforesaid order.
2. The petitioner says that the said order has had no effect. Only 1 out of 6 charge sheet named witnesses has been examined. He is in custody for more than two

years. On the touchstone of Article 21 of the Constitution of India, he prays for bail.

3. While opposing the prayer for bail, learned State Counsel, in her usual fairness, says that while the petitioner cannot be blamed for the delay in progress of the trial, the prosecution is also perhaps not to be blamed. 3 of the witnesses, who are employed under BSF, are not presenting themselves for being examined in spite of repeated notices.
4. We, therefore, see that the trial is unlikely to conclude on an early date. The petitioner is in custody for over two years. It has also not been pointed out by the State that the petitioner has any criminal antecedent.
5. 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.
6. Accordingly, we direct that the petitioner, namely **AMITAV MITRA** 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 at Barasat, North 24 Parganas, and on further conditions that he shall not leave the jurisdiction of Barasat Police Station and shall report to the Officer-in-Charge/Inspector in Charge of Barasat Police Station once a week until further orders.

7. 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 and/or commit any cognizable offence in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)**