

08.04.2025  
Item no. 26  
Ct. No. 29  
BD.

**C.R.M. (NDPS) 318 of 2025**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 and/or an application under section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NCB Crime No. 03/NCB/KOL/2023 dated 06.07.2023 corresponding to T.R. Case No. 01 of 2023 under section 8(C)/20(b)(ii)(C)/29/35/54 of the N.D.P.S. Act.

In the matter of : ***Md. Azam Quresi***

.... Petitioner.

Mr. Sk. Toslim Ali  
Ms. Rituparna Bhadra

...for the Petitioner.

Mr. Kallol Mondal  
Mr. Somnath Adhikari.

...for the NCB.

Petitioner submits that he has approached before this Court for the first time and he is in custody for about two years and four months. He further submits that on January, 27, 2025, learned Court below fixed six dates between February 5, and February 12, 2025, for recording the evidence but the report shows that no further progress regarding recording of evidence has taken place since then. The report also does not speak that the delay can be attributable to the petitioner by any means. Petitioner further submits that this Court by an order dated 26<sup>th</sup> February, 2025 had granted bail to another accused namely, Sk. Rajesh, considering the period of detention, inspite of the fact that allegedly commercial quantity of narcotic substance having recovered from the said accused person and bail was

granted, only on the touchstone of Article 21 of the Constitution of India. He further submits that the other accused person in this case namely Santosh Sahoo @ Santosh Saho, who is also on the same footing moved bail application before the Hon'ble Supreme Court and the Hon'ble Supreme Court also granted bail to the said co-accused person observing that a case of bail is made out for the petitioner.

Learned counsel appearing on behalf of the NCB raised objection contending that nothing was recovered from the possession of those persons who are on bail and within few more months the trial will get concluded and as such he opposed the bail prayer. He further submits that while the bail prayer of the said two accused persons were moved, NCB could not produce the case diary before the Court.

I have considered the submissions made by both the parties. On perusal of the order dated 26<sup>th</sup> February, 2025 passed by this Court in connection with co-accused Sk. Rajesh, it appears that Court observed that though the case involves seizure of commercial quantity of Ganja but considering the period of detention and on the touchstone of Article 21 of the Constitution of India the petitioner was enlarged on bail.

In the facts and circumstances of the case and also from the report submitted by the NCB, it appears that there is hardly any chance of early conclusion of trial and that the present petitioner is almost on the same footing with that of petitioner of CRM (NDPS) 175 of 2025, so far as issue of infringement of his fundamental right guaranteed Article 21 of the Constitution of India is concerned.

In such view of the matter, I am constrained to enlarge the petitioner on bail. Accordingly, the petitioner namely, **Md. Azam Quresi**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each of which one must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Howrah.

It is further ordered that the accused 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 mobile 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.

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) 318 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.)**