

CRM (NDPS) 349 of 2025**(Allowed Partly)**

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with Kaliganj Police Station Case No. 404 of 2023, dated **02.07.2023** under Section **21(C)/29** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Narayan Roy & Anr.

.... Petitioners.

Mr. Arnab Chatterjee,

Ms. Poulami Bose,

Mr. Avik Ghosh,

... For the Petitioners.

Mr. Joydeep Roy,

Ms. Afreen Begum,

...for the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner no.2 (Goutam Sarkar @ Buddha) renews his prayer for bail which was rejected earlier on June 28, 2024 in CRM (NDPS) 1001 of 2024. The petitioner no.1 (Narayan Roy) has approached this Court for the first time praying for bail.

2. The petitioners say that they are in custody for about 1 year and 8 months. While rejecting the bail prayer of the petitioner no.2 (Goutam Sarkar @ Buddha) on June 28, 2024, this Bench had requested the learned Trial Court to expedite the trial and conclude the same as early as the business of the Court may permit. Learned advocate says that such direction has had no effect. Only 6 out of 14 chargesheet named witnesses have been examined.

3. Learned State advocate, while opposing the bail prayer, says that about 2 kgs. of Morphine was recovered from the joint possession of the petitioners. 8 more witnesses will be examined by the prosecution. All efforts will be made to conclude the trial on an early

date. Learned advocate further tells us that the petitioner no.2 (Goutam Sarkar @ Buddha) has criminal antecedent.

4. We see that the petitioners are in custody for an appreciable period of time. Although we had directed expeditious conclusion of the trial while rejecting the bail prayer of the petitioner no.2 (Goutam Sarkar @ Buddha) on June 28, 2024, the trial obviously has not been proceeding at the desired pace.

5. Without touching the merits of the case and solely on the touchstone of Article 21 of the Constitution of India, we are inclined to allow the bail prayer of the petitioner no.1 (Narayan Roy). However, we are not inclined to grant bail to the petitioner no.2 (Goutam Sarkar @ Buddha) because of his criminal antecedent.

6. Hence, this application stands dismissed in so far as the petitioner no.2 (Goutam Sarkar @ Buddha) is concerned but is allowed in so far as the petitioner no.1 (Narayan Roy) is concerned.

7. Accordingly, we direct that the petitioner, namely, **Narayan Roy** 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), Nadia at Krishnagar subject to the condition that the petitioner shall remain within the jurisdiction of the Kotwali Police Station, Nadia and shall meet the Inspector-in-Charge of the said Police Station, twice in a week, until further orders and on further condition that the petitioner no.1 shall provide his current address to the Inspector-in-Charge of the Kotwali Police Station and also to the learned Trial Court.

8. The petitioner no.1 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 in any manner whatsoever.

9. In the event the petitioner no.1 fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner no.1's bail in accordance with law without further reference to this court.

10. The application for bail is, accordingly, allowed in so far as the petitioner no.1 is concerned.

11. 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.)