

10.04.2025

Sl. no. 44

Ct. No. 29

P.M.

C.R.M. (NDPS) 360 OF 2025

In Re : An application under Section 439 of the Code of Criminal Procedure, 1973 and/or an application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with NCB Crime No 03/NCB/KOL/2023 dated 09.01.2023 corresponding to T.R. Case 01 of 2023 under Section 8(C)/20 (b) (ii) (C)/29/35/54 of the NDPS Act.

And

In the matter of : **Md. Shamim Ahmed**

.... Petitioner

Mr. Sk. Toslim Ali

.... For the petitioner

Mr. Krishnendu Bhattacharjee,

Mr. Debapriya Samanta

... for the NCB

Learned counsel appearing on behalf of the petitioner submits that in the present case six accused persons were arrested for allegedly carrying 88 Kg. ganja from Amta Bus Stand, Bagnan on 09.01.2023 and since then the petitioner is in custody. However, the bail prayer of co-accused Santosh Sahoo @ Santosh Saho was granted by the Apex Court observing that a case of bail is made out for the petitioner. A Division Bench of this Court also granted bail to accused Sk. Rajesh in CRM (NDPS) 175 of 2025 on 26th February, 2025 on the touchstone of Article 21 of the Constitution of India. The other two co-accused namely Md. Azam Quraishi and Md. Safik have also been granted bail by a co-ordinate Bench of this Court on the touchstone of Article 21 of the Constitution of India.

The petitioner submits that the present petitioner namely Md. Shamim Ahmed is almost on the same footing and he is also entitled to be released on bail since his fundamental right of speedy trial guaranteed under Article 21 of the Constitution of India has been seriously infringed for protracted trial. Accordingly petitioner prays for bail.

Learned counsel appearing on behalf of the NCB raised objection contending that the report dated 24th March, 2025 goes to show that the trial could not be concluded as the learned Trial Court was busy with the recording statement of some other witnesses in connection with another case and he has fixed next date for trial on 21st April, 2025, 22nd April, 2025 and 23rd April, 2025. He further submits that so far only one witness could be examined out of total six witnesses.

Having considered the facts and circumstances of this case and that a protracted trial is going on for considerable period of time and only one out of six witnesses could be examined since 22.07.2024, when the charge was framed and there is hardly any chance of early completion of the trial and also considering the petitioner's prayer in the touch stone of Article 21 of the Constitution of India and that the present petitioner is almost on the same footing so far as his fundamental right of speedy trial guaranteed under Article 22 is concerned and that no criminal antecedent of petitioner is brought to my notice, the prayer for bail is allowed.

The petitioner namely **Md. Shamim Ahmed** shall be released on bail upon furnishing a Bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, of which one must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah.

It is further ordered that the accused person shall not misuse 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 numbers 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 merit of the case.

Accordingly CRM (NDPS) 360 of 2025 stands disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)