

24.04.2025

42
SB

C.R.M. (NDPS) 367 of 2025

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case no. 89 of 2021 arising out of Watgunge Excise Circle Sl. No. 69/21 dated 30.11.2021 in contravention of Section 8(C) of NDPS and punishable under Sections 20(b)(ii)(C) of the NDPS Act, 1985.

And

In the matter of : **Silu Malik alias Shilu Mallick & Anr.**

.... Petitioners

Mr. Angshuman Chakraborty

Mr. S.S. Saha

...for the Petitioners

Mr. Avishek Sinha

Mr. Sharequl Haque

...for the State

It is submitted that 20 kgs. of Ganja plants were allegedly recovered from the joint possession of the petitioners. It is further submitted that all other accused persons have been granted bail by this Court in CRM (NDPS) 248 of 2025 and CRM (NDPS) 250 of 2025 and also by the Supreme Court in Special Leave to Appeal (Criminal) no. 361 of 2025 dated 24.3.2025. The present petitioners are almost on the same footing and they are in custody for three years four months and as such, the petitioners may be released on bail.

Learned counsel for the State did not oppose the bail prayer and leaves the matter to the discretion of the court. He further submits that only one witness out of eleven witnesses has so far been examined.

Having considered the facts and circumstances of the case and that the present petitioners are almost on the same footing with other petitioners who have already been granted

bail and that the only one witness out of eleven witnesses has so far been examined and right to speedy trial of the petitioners as granted under Article 21 of the Constitution of India has not been taken care of though it overrides all other considerations and it appears to be uncertain and unpredictable when the trial would conclude, the prayer for bail of the petitioners is considered and allowed.

Accordingly, the petitioners namely, **Silu Malik alias Shilu Mallick and Joy Chandra Mahanto alias Joy Ch. Mahato** shall be released on bail upon furnishing a bond of Rs. 20,000/- each with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Alipore, South 24 Parganas and also on condition that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not leave the jurisdiction of trial court without taking leave from trial court. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone number to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. Be it mentioned in case of violation of any of the conditions as above, the trial court will be at liberty to cancel the bail without making any further reference to this court.

Be it further mentioned, that anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 367 of 2025 is disposed of.

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.)