

29.07.2025
33 & 34
SR
Allowed

CRM (NDPS) 362 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS No. 01 of 2023 arising out of NCB Crime No.01/NCB/KOL/2023 dated 03.01.2023 under Sections 8(c) and 20 (b)(ii)(c) and 29 of NDPS Act, 1985.

and

In the matter of : **Hasina Bibi**

.... Petitioner

With

CRM (NDPS) 585 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS No. 01 of 2023 arising out of NCB Crime No.01/NCB/KOL/2023 dated 03.01.2023 under Sections 8(c) and 20 (b)(ii)(c) and 29 of NDPS Act, 1985.

and

In the matter of : **Nishant Pandey**

.... Petitioner

Mr. Tapas Kumar Ghosh

Mr. Tanmoy Chowdhury

...for the Petitioners.

Mr. Arun Kumar Mohanty

Mr. R.R. Mohanty

... for the NCB.

It is submitted on behalf of the petitioners that both the petitioners are in custody for about two years seven months and that 33 kgs. of Ganja was allegedly recovered from the possession of the three accused persons out of which two are the present petitioners. The petitioners' counsel further submits that three co-accused in connection with the present case have already obtained bail since they were arrested on the basis of the co-accused statement. He further submits that this is renewal of his bail prayer and

his earlier prayer was rejected on 4th September, 2024, when the High Court made a specific direction upon the Trial Court to expedite the trial to the fullest extent and to conclude the same within a period of six months from the next date fixed for recording of evidence. He further submits that till date the trial has not been concluded and nobody knows when the trial will conclude and, as such, he may be released on bail on any terms and conditions.

Mr. Mahanty, learned counsel appearing on behalf of NCB vehemently opposed the bail prayer contending that charge was framed on 10th January, 2024 and since last rejection the prosecution has already examined four witnesses out of total six witnesses and, as such, the trial would be concluded within a short span of time. He further submits that lastly on 19th July, 2025 one witness, namely, Bisaka Ghosh could not be examined, as she was in maternity leave and even her evidence could not be recorded through virtual mode due to some technical issues with the system in the court room. He submits that the next date before trial court is fixed on 20th August, 2025 and 21st August, 2025. He further argued that though trial could not be concluded within six months as per previous direction of this court but since last rejection order dated 4th September, 2024 a substantial progress had taken place regarding trial.

Having considered the submissions made on behalf of both the parties and that, the petitioners are in custody for about two years seven months and that, there is hardly any

possibility of early conclusion of trial, the prayer for bail made by the petitioners is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioners namely, **Hasina Bibi** and **Nishant Pandey**, shall find bail of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Hooghly, and also on condition that the petitioners shall not leave the geographical limit of District-Hooghly, without the leave of the learned trial court, and shall report to the Inspector-in-Charge, Pandua Police Station, District –Hooghly, once in a week at their convenient time in between sunrise and sunset until further order.

It is further ordered 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 absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their cell 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. The petitioners shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

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.

Accordingly, CRM (NDPS) 362 of 2025 and CRM (NDPS) 585 of 2025 are 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.)