

01.05.2025

CRM (NDPS) No. 378 of 2025

akb
Sl. 41
Ct.29
Allowed

An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 04 of 2023 (R 04/23) arising out of Kaliganj Police Station Case No. 32 of 2023 dated 13.01.2023 under Sections 20(b)(c)/25/29 of the NDPS Act, 1985 and charge sheet submitted on 01.07.2023 under Sections 20(b)(c)/25/29 of the of the NDPS Act, 1985.

And

In re: Anwar Ali & Anr.

... petitioners.

Mr. Joydeep Biswas
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Kaushik Ghosh

...for the petitioners

Mr. Anand Keshari
Ms. Debjani Sahu

...for the State.

Petitioners are in custody for more than two years and three months and that the prayer for bail made by the co-accused namely, Rahul Roy has been granted by this court vide order dated 17.3.2025 on the ground of delay in trial.

Petitioners submit that the order dated 17th March, 2025 reflects that the prosecution intends to examine 16 out of 18 charge-sheeted witnesses and the petitioners further submits on instruction, that out of 16 witnesses only examination of 2 witnesses have been completed. He further submits that it will take a long time to conclude the trial and as such, they may be released on bail.

Learned counsel appearing on behalf of the State raised objection against the bail prayer contending that the trial is in progress and that by an order dated 19th June, 2024 while rejecting the bail prayer, this court directed the trial court to expedite the trial

and to conclude the same definitely within a period of 18 months from the communication of this order and the prosecution is making its best endeavour to conclude the same within the time frame.

I have considered the submissions made by both the parties. It appears from the record that since the order dated 19.06.2024 only two witnesses have been examined so far out of 16 witnesses. Moreover, this court keeping in mind it's earlier time frame as above granted bail in favour of the co-accused namely, Rahul Roy on the ground that the petitioners' right to speedy trial guaranteed under Article 21 of the Constitution of India has been violated and that there is no possibility of an early conclusion of the trial and that delay is not attributable to the petitioner. The present petitioners are almost on the same footing and as such, their prayer for bail is considered and allowed.

In such view of the matter, petitioners namely, **Anwar Ali and Samsul Alam** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Krishnagar, Nadia 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 absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their mobile phone numbers 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 Court without taking leave from the Court below. The Court below will be at liberty to cancel the bail in the event of violation of any of the conditions without making any reference to this Court.

Be it mentioned, that nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 378 of 2025** is, accordingly allowed and disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)