

06.08.2025
Court No.29
Item No.24
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 381 of 2025

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In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 21.03.2025 in connection with Berhampore Police Station Case No. 654 of 2015 dated 24.11.2015 under Section 91(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of :**Rabiul Sk.**

...Petitioner.

**Mr. Arnab Chatterjee,
Mr. Anisur Rahaman.**

...For the Petitioner.

**Mr. Joydeep Biswasm
Mr. Debarshi Brahma.**

...For the State.

1. It is submitted on behalf of the petitioner that 1800 milligrams of codein mixture was recovered from the joint possession of the present petitioner and another Mitran Sk. @ Buchan @ Matin Sk. The petitioner was arrested on 24th November 2015 and he was granted bail by the learned Trial Court on 20th July 2016. However, the petitioner could not attend the Court in terms of the bail order and for which warrant of arrest was issued against him on 19th November 2020. On the strength of such warrant of arrest, the petitioner was arrested on 14th July 2023 and since then he is in custody. The petitioner's further contention is that in the present case, the charge has been framed on 1st August 2024, but not a single witness could be examined so far and the prosecution proposes to examine the 11 witnesses. As such, it is uncertain as to when the trial would be concluded. He further submits that the other co-accused of this case, namely, Mitran Sk. @ Buchan @ Matin Sk., who was also granted bail by the learned Trial Court, had failed to attend the Court and for which warrant of arrest was

also issued against him and thereafter he was also arrested but subsequently he was granted bail by this Court in CRM (NDPS) 81 of 2025 dated 21st February 2025. He, accordingly, submits that he is almost on the same footing and, as such, he may be released on bail on any terms and conditions.

2. Learned Advocate appearing on behalf of the State opposed the prayer for bail and contended that the petitioner is not on the same footing in the sense that he absconded since 2016 and the police could arrest him only on 20th July 2023.
3. I have considered the submissions made on behalf of both the parties. It appears that from the submission made by the petitioner that the prosecution proposes to examine 11 witnesses, out of which they have not yet examined a single witness and, as such, there is an uncertainty as to when the trial would be concluded and therefore no fruitful purpose would be served by detaining the petitioner in custody any further. Moreover, the other co-accused is also on bail and the prosecution has not submitted any adverse report against the said co-accused. Therefore, considering the fact that there is no progress in trial and that the petitioner has no criminal antecedent, his prayer for bail is allowed.
4. Accordingly, the petitioner, namely, **Rabiul Sk.**, be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees twenty thousand), with two registered sureties of Rs. 10,000/- (Rupees ten thousand) each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, subject to the condition that the petitioner shall meet the Inspector in-Charge, Berhampore Police Station once in a week until further order and also on condition not to leave the geographical limit of Berhampore without taking leave of the Court until further order.
5. It is further ordered that the accused person shall not mis-use 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 cell phone number 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. The petitioner 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.

6. 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.
7. Accordingly, CRM (NDPS) 381 of 2025 is disposed of.
8. 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.)