

19.05.2025

Sl. no. 34

Ct. No. 29

P.M.

(Allowed)

C.R.M. (NDPS) 383 OF 2025

In Re : An application under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 36 of 2021 arising out of NCB Crime No 66/NCB/KOL/2021 under Section 8(C)/20 (b) 1 (A)/22 (c)/23/29 of the NDPS Act.

And

In the matter of : **Toufik Ahmed Khan @ Toufik Ahmed @ Toufique Ahmed**

.... Petitioner

Mr. Pawan Kumar Gupta,
Mr. Apalak Basu,
Mr. Nazir Ahmed,
Mr. Santanu Sett

.... For the petitioner

Mr. Rajdeep Mazumder, Sr. Adv (Ld. DSGI)
Mr. Mouykh Mukherjee

... for the Union of India

It is submitted on behalf of the petitioner that out of nine accused persons six are already on bail and the Apex Court by an order dated 02.09.2024 directed the Trial Court to conclude the trial preferably within a period of six months and in the event trial is in conclusive liberty was given to the petitioner to renew his bail prayer. The petitioner is fully cooperating with the trial process and in spite of aforesaid direction the trial has not yet been completed and delay in trial cannot be attributed to the present petitioner.

He further submits that the petitioner is in custody for about 3½ years and he may be granted bail on any terms and conditions.

Mr. Mazumder, learned senior advocate appearing on behalf of the Union of India vehemently opposed the bail prayer contending that the present petitioner is the kingpin and that the bail prayer of the petitioner was rejected twice. Prosecution proposes to examine 12 witnesses out of which 9 witnesses have already been examined and next date is fixed on 4th June, 2025 and within a short span of time the trial would be hopefully concluded.

I have considered the submissions made on behalf of both the parties.

It is apparent from the order dated 02.09.2024 that the Apex Court directed the Trial court to conclude the trial preferably within a period of six months from that date however the trial is still pending.

The documents placed before me apparently does not suggest that the delay in concluding the trial is attributable to the petitioner herein.

It further appears that the petitioner is in custody for a period of 3½ years and out of nine accused persons six already are on bail and there is no allegation of violation of conditions of bail order against the co-accused persons who already have been enlarged on bail.

Having considered the facts and circumstances of the case and submissions made on behalf of both the parties the prayer for bail made on behalf of the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

The petitioner namely **Toufik Ahmed Khan @ Toufik Ahmed @ Toufique 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, Kolkata and also on condition 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 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. Petitioner shall not leave the geographical limit of Kolkata without leave of the trial Court and also on condition that he will meet the Investigation Officer thrice in a week till further order. 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly CRM (NDPS) 383 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.)