

01.05.2025

akb

Sl. 42

Ct.29

Allowed

CRM (NDPS) No. 398 of 2025

In re: 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: Sadikul @ Sadikur Ali

... petitioner.

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

...for the petitioner

Mr. Antarikhya Basu
Mr. Rahul Ganguly

...for the State.

Petitioner is 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 petitioner 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, he 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 its earlier time frame as above granted bail in favour of the co-accused namely, Rahul Roy on the ground that the petitioner's 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 petitioner is almost on the same footing and as such, his prayer for bail is considered and allowed.

In such view of the matter, petitioner namely, **Sadikul @ Sadikur Ali** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- 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 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 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 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) 398 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.)