

15.05.2025
Court No.29
Item No.62
(Allowed)

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 406 of 2025

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In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 25.03.2025 in connection with Jagaddal Police Station Case No. 323 of 2022 dated 20.05.2022 under Section 21(C) of the NDPS Act;

And

In the matter of :**Sahil Rabidas @ Mungli.**

...Petitioner.

Ms. Tanusree Ghosh,
Mr. Koushik Roy.

...For the Petitioner.

Ms. Sreyashee Biswas.

...For the State.

It is submitted on behalf of the petitioner that the petitioner is in custody for about 3 years since 20th May 2022 and that 2 kilograms 250 grams of codeine mixture was allegedly recovered from the exclusive possession of the petitioner. He further submits that this is a renewal of the bail prayer and his prayer for bail was lastly rejected by this Court on 30th August 2024 when this Court made a specific direction upon the Trial Court to expedite the trial to the fullest extent and to conclude the same within six months from the date of communication of the order by the parties to the Trial Court and if necessary by preponing the next date and it was further ordered in that order that the time period is to be strictly adhered to. However, it is submitted that since then only one witness out of six witnesses have been examined so far and he also submits that nobody knows how long it will take to conclude the entire trial. In such circumstances, he prayed for bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer contending that the petitioner has a criminal antecedent. In reply, learned Counsel appearing on behalf of the petitioner

submits that all these cases have been falsely initiated against the petitioner and he has not yet been convicted in any of those cases.

Having considered the period of incarceration, which is about three years and also considering the fact that the direction made by this Court dated 30th August 2024 has not been adhered to and since passing of that order about nine months have already been passed, but only one witness has been examined so far and nobody knows how long it will take to conclude the entire proceeding, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner, namely, **Sahil Rabidas @ Mungli**, 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 Special Judge, under NDPS Act, Barrackpore, subject to the condition that the petitioner shall meet the Inspector in-Charge, Jaggadal Police Station on every alternative day and also on condition not to leave the geographical limit of 24-Parganas (North) without taking leave of the Court till further order.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and she 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 her 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.

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, the application for bail being **CRM (NDPS) 406 of**

2025 is disposed of.

(Dr. Ajoy Kumar Mukherjee, J.)