

06.05.2025
Item no. 12
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 416 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 correspondence under section 483 of the BNSS, 2023 in connection with the Airport Police Station Case No. 151 of 2020 dated 16.09.2020 under sections 20(b)(ii)(c)/28/29 of the N.D.P.S. Act, 1985 now numbered as N-64/2020.

In the matter of : **Anup Shib** Petitioner.

Mr. Debasish Kar
Mr. Husen Mustafi ...for the Petitioner.

Mr. Joydeep Roy
Mr. Dattatreya Dutta ...for the State

It is submitted on behalf the petitioner that the petitioner is in custody for about four years eight months. He further submits that in all eight accused persons are involved in the present case and out of them seven accused persons have already obtained bail in different proceedings. He further submits that prosecution wishes to examine in all eight witnesses and till date they have only examined three witnesses and five more witnesses are still required to be examined and nobody knows how long it will take to conclude the trial. Petitioner accordingly submits that he may be granted bail on any terms and conditions on the touchstone of Article 21 of the Constitution of India and that he is almost on the same footing with the other accused persons who are on bail.

Learned counsel appearing on behalf of the State though opposed the prayer for bail but he does not dispute that the petitioner is also on the same footing with other accused persons who are already on bail.

Having considered the submissions made on behalf of both the parties and that petitioner's right to get speedy trial guaranteed under Article 21 of the Constitution of India is a valuable right, which had not been taken care of by the trial court, his prayer for bail is allowed only on the ground of delay in disposal of the case.

Accordingly, the petitioner namely, **Anup Shib**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Additional Chief Judicial Magistrate, Barrackpore.

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.

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.

This application for bail being CRM (NDPS) 416 of 2025 is, thus, allowed.

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.)