

21.05.2025
Item no. 33
Ct. No. 29
BD.
(ALLOWED).

C.R.M. (NDPS) 434 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, as amended/under Section 483 of the BNSS, 2023 in connection with NDPS Case No. 44 of 2022 arising out of NCB Crime No. 03/NCB/KOL/2022 under sections 8(c) read with 20(b) (ii) (C) 25/29 of the NDPS Act, 1985.

In the matter of : ***Dipak Ranjan Pradhan & Anr.*** Petitioners.

Mr. Tapodip Gupta ...for the Petitioners.

Mr. Anil Kumar Gupta
Mr. Debapriya Samanta ...for the NCB

It is submitted on behalf of the petitioners that the petitioners are in custody for about three years and four months. He further submits that the petitioners moved before the Hon'ble Supreme Court being Special Leave to Appeal (Crl.) No. 12014 of 2024 and the court by its order dated 09.12.2024 requested the trial court to expedite the trial and conclude the same within a period of three months. However, trial could not be completed till date and as such they may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the NCB opposed the bail prayer and contended that out of five witnesses three witnesses have already been examined and next date is fixed on 19th June, 2025 and the prosecution is expecting that trial would be concluded within a short span of time.

Having considered the submissions made on behalf of both the parties and that the petitioners have already suffered incarceration for a period of three years and four months and that in spite of specific direction of the Apex Court the trial could not be completed within the period prescribed in the order and that it is still uncertain when the trial would be concluded and as such considering the aforesaid facts and circumstances of the case and that solely on the touchstone of Article 21 of the Constitution of India the prayer for bail is allowed.

Accordingly, the petitioners namely, **(1)Dipak Ranjan Pradhan (2) Soumya Ranjan Sahoo** shall find bail of Rs. 20,000/- each with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Berhampore, Murshidabad, and also on condition that the petitioners shall not leave the geographical limit of the district Murshidabad without the leave of the trial court till further order and shall report to the Investigating Officer of the concerned Police Station, Murshidabad, twice in a week until further order of this court.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or

documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their cell phone numbers to the local police station and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners 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) 434 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.)

