

24.06.2025

akb
Sl. 37
Ct.29
Allowed

CRM (NDPS) No. 446 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the BNSS Act, 2023 filed in connection with NDPS Case No. 41 of 2022 arising out of Bhimpur Police Station Case No. 203 of 2022 dated 31.5.2022 under Section 20(b)(ii)(c)/29 of the N.D.P.S. Act, 1985.

And

In re: Dibyendu Marik

... petitioner.

Ms. Karabi Roy

...for the petitioner

Ms. Sreyashi Biswas

Mr. Sharequl Haque

...for the State.

Report dated 20.06.2025 produce in Court by the learned Counsel for the State is taken on record.

It is submitted on behalf of the petitioner that prosecution case is that the petitioner, was driving the truck wherefrom 105 kgs of Ganja was allegedly recovered and he is in custody for more than three years and that prosecution proposes to examine 27 witnesses, out of which they could examine only 20 witnesses so far and according to his client's instruction lastly one witness was examined on 8th January, 2025 and since then no further witness could be examined and as such nobody knows when the trial would be concluded and as such bail may be granted in favour of the petitioner on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the bail prayer and submits that within a short span of time examination of rest witnesses will be concluded. Counsel for the State did not place any criminal antecedence of the petitioner.

I have considered the submissions made on behalf of both the parties. It appears that out of 27 witnesses the prosecution so far could examine only 20 witnesses and petitioner is in custody for more than three years and that it is not ascertainable as to when the trial would be concluded. Only on the touchstone of Article 21 of the Constitution of India, the prayer for bail made by the petitioner is allowed.

In such view of the matter, petitioner namely, **Dibyendu Marik** 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 and on condition that he will not leave the geographical limit of district Nadia without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Bhimpur Police Station once in a week till further order 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 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) 446 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.)