

43. 25.06.2025
Court
No.29. (Pritam)
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 480 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Samserganj** Police Station Case No.**445/2023** dated **26.11.2023** under Sections **20(b)(ii)(c)/29** of the Narcotic Psychotropic Substance Act, 1985.

And

In the matter of: - **Bablu Sk.**

.....petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja.

...for the petitioner.

Mr. Rana Mukherjee, Ld. A.G.P.,
Ms. Trina Mitra.

....for the State.

It is submitted on behalf of the petitioner that 60 kg. of *ganja* was recovered from the possession of the petitioner and that the petitioner is in custody for about 1 year and 7 months. He further submits that the prosecution proposes to examine 16 witnesses and out of which they could examine only 4 witnesses so far. He further submits that the seizure witnesses namely, PW-2 and PW-3 did not support the prosecution case regarding alleged seizure from the possession of the petitioner and as such there is hardly any chance of conviction of the present petitioner in this case. Moreover, nobody knows when the entire trial would be concluded as the prosecution is still required to examine 12

more witnesses and as such he may be released on bail on any terms and conditions.

Learned advocate appearing on behalf of the State opposed the prayer for bail, contending that huge amount of *ganja* measuring 60 kg. was recovered from the exclusive possession of the present petitioner and within a short span of time, the rest of the witnesses would be examined.

Having heard learned counsel on behalf of the petitioner and the State and also considering the period of detention and that 12 more witnesses are required to be examined and nobody knows when the trial would be concluded and as such only on the touchstone of Article 21 of the Constitution of India, the prayer for bail is allowed.

Accordingly, the petitioner namely, **Bablu Sk.** shall be released on bail upon furnishing a bond of Rs.20,000/- with two registered sureties of Rs.10,000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, and also on condition that the accused person shall not misuse the liberty granted by the 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 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 geographic limit of Berhampore Police Station without taking

leave from the court below and shall report to the Officer-in-Charge, Samserganj Police Station once in a week or until further order. 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, CRM (NDPS) 480 of 2025 is disposed of.

Urgent certified copy of this order, duly applied for, be given to the parties upon compliance with all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)