

26.06.2025

Ct. No. 29
Item No. 38
Sws.M/gb
Allowed

C.R.M. (NDPS) 492 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Chapra Police Station Case No. 279 of 2023 dated 13.05.2023 under Sections 21(c)/29 of the NDPS Act.

And

In Re : Sakil Ahammed

.....petitioner

Mr. Joy Chakraborty

Mr. Sandip Dinda

... For the Petitioner

Mr. Anand Kesari

Ms. Afreen Begum

... For the State.

It is submitted on behalf of the petitioner that 996 bottles of cough syrup containing codeine phosphate was allegedly recovered from the joint possession of four persons from two vehicles. It is further submitted that the petitioner preferred bail application before this Court in CRM 932 of 2024 and by an order dated 19.06.2024 this Court directed the Trial Court to conclude the trial positively within a period of one year. Thereafter, another accused also preferred bail application before the Apex Court in SLP (Crl.) No(s). 12554 of 2024 wherein the Apex Court by an order dated 26.11.2024 requested the Trial Court to conclude the Trial as expeditiously as possible and preferably within a period of three months from date.

However, the prosecution could examine only 25 (twenty five) witnesses out of 30 (thirty) witnesses and nobody knows when the trial would be concluded. He further submits that the witnesses so far examined by the prosecution have not supported

the prosecution case as is reflected from the copy of evidence and that he is in custody for about two years two months and that delay in trial is not attributable to the petitioner and as such he may be released on bail on any terms and conditions.

Mr. Kesari, learned counsel appearing on behalf of the State submits that five more witnesses will be examined shortly in the month of July, 2025 and that the huge quantity of narcotic substances was recovered from the possession of the petitioner and as such he opposed the bail prayer.

I have considered the submissions made by the parties. It appears from the record that inspite of specific direction made by this Court as well as by the Apex Court, the trial could not be completed and at least five more witnesses are still claimed to be required to examine by the prosecution. The petitioner is in custody for about two years two months. It is not ascertainable as to when the trial would be concluded.

In view of aforesaid facts and circumstances of the case the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Petitioner namely, **Sakil Ahammed** 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, Krishnanagar, Nadia and on condition that he will not leave the geographical limit of district Nadia without the leave of the Trial Court except for the purpose of meeting Investigating Officer, and shall report to the Chapra Police Station once in a week until further order.

It is further ordered that the accused person shall not misuse 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.

The application for bail being **CRM (NDPS) 492 of 2025** is, accordingly allowed and disposed of.

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

(Dr. Ajoy Kumar Mukherjee, J.)