

15.07.2025

Item no.47

Ct. No. 29

sg

C.R.M. (NDPS) 569 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973 filed on 08.05.2025 corresponding under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS case no. 83 of 2023 arising out of Beldanga Police Station Case No. 563 of 2023 dated 23.07.2023 under sections 20(b)(ii)(c)/25/29 of the NDPS Act, 1985.

In the matter of : Golam Murtuja Sk. Petitioner.

Mr. Soumya Basu Roy Chowdhury
...for the Petitioner.

Mr. Madhusudan Sur
Mr. Bikram Mitra
...for the State.

Petitioner submits that he is in custody since 24.07.2023 i.e. almost two years and 25.5. kg Ganja was allegedly recovered from the possession of the petitioner. He further submits that the prosecution proposes to examine seven witnesses. He further submits that next date for recording evidence is fixed on 14.9.2025. As such nobody knows when the trial would be concluded and therefore he may be released on bail on any terms and conditions.

Mr. Sur, learned counsel appearing on behalf of the State opposed the bail prayer contending that commercial quantity of Narcotic substance was recovered from the possession of the petitioner and that the order dated 09.04.2025 passed by the learned trial court states that the examination of three witnesses have already been completed and though the next date was fixed on

23/24 June, 2025 but the witnesses did not turn up and as such next date is fixed in the month of September 2025. He further submits that prayer for bail was lastly rejected on 24.02.2025.

I have considered the submission made on behalf of the both the parties. It appears that the petitioner is in custody for about two years and there is hardly any chance of early conclusion of trial.

Therefore the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Golam Murtuja Sk** shall be released on **interim bail** upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Berhampore, Murshidabad and also on condition 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 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 petitioner shall not leave the geographical limit of District of Murshidabad without taking leave from the court below and shall meet the

Investigating Officer, I.C. Beldanga, Murshidabad Police Station thrice in a week until further order.

Accordingly, C.R.M. (NDPS) 569 of 2025 is disposed of.

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.)