

10.07.2025
Court No.29
Item No.44
AP

CRM (NDPS) 579 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973, corresponding to under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with the N.D.P.S. Case No. 208 of 2022 arising out of Berhampore Police Station Case No. 1374 of 2022 dated 16.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : **Rana Dey**

.... Petitioner.

Mr. Arnab Chatterjee
Mr. Anisur Rahaman

...for the Petitioner.

Ms. Subhasree Patel
Mr. Debanshu Ghorai

...for the State.

Petitioner's case is that 175 Kgs. of Ganja was recovered from the vehicle where the present petitioner was allegedly present. However, he is in custody for about 2 years 8 months. Though the charge sheet was submitted on 30.03.2023 and the charge was framed on 22.08.2023, but prosecution could not complete examination of witnesses as yet and as such nobody knows when the trial would be concluded. He further submits that the delay in trial is not attributable to the petitioner and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposes the prayer for bail contending that prosecution proposes to examine 13 witnesses out of which examination of 8 witnesses so far completed and they proposes to examine 5 more witnesses in this case. She further submits that since the trial is running smoothly, if at this stage the petitioner is released on bail there

would be serious chances of his abscondence which would cause delay in trial.

Having heard the learned counsel appearing on behalf of the petitioner and the State and that the petitioner is in custody since 16.10.2022 and there is hardly any chance of early disposal of the trial, 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, Rana Dey, shall find bail of Rs. 20,000/- 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, and also on condition that the petitioner shall not leave the geographical limit of District- Murshidabad, without the leave of the trial court, and shall report to the Inspector-in-Charge, Berhampore Police Station, District – Murshidabad, 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 by this Court.

Accordingly, CRM (NDPS) 579 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.)