

akb
Sl. 14
Ct.29
Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection NDPS Case No. 36 of 2021 arising out of NCB Crime No. 66/NCB/Kol/2021 under Section 8(C)/20(b)1/A)22(c)/23/29 of the N.D.P.S. Act, 1985.

... petitioner.

...for the petitioner

...for the NCB

Learned Counsel appearing on behalf of the NCB vehemently opposed the bail prayer contending that the present petitioner is the

main organizer of the system of the crime and he used to order narcotic substance from foreign countries and thereafter his associates worked in chain system for receiving and distribution in India on his discretion. He further submits that it is true that no recovery was made from the present petitioner in connection with the present case but he was running the drug cartel in India. He used to book parcels through darknet and used to pay through crypto currency. He further submits that 7 other cases are also pending against the present petitioner. In such circumstances, if he is released on bail, there is very likelihood for committing similar type of offence by the petitioner.

Report filed on behalf of the NCB is taken on record.

It is admitted position that nothing was recovered from the possession of the present petitioner and the trial has also not been concluded in spite of specific direction made by the Apex Court. The documents placed before me apparently does not suggest that the delay in concluding trial is attributable to the present petitioner.

Having considered the submissions made on behalf of both the parties the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

In such view of the matter, petitioner namely, **Raghunath Kumar** 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, Kolkata and on condition that he will not leave the geographical limit of district Kolkata without taking permission

from the Trial Court and also on condition that he will meet with the Investigating Officer of the NCB thrice 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) 619 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.)