

29.07.2025
Item no.41
Ct. No. 29
BD.

C.R.M. (NDPS) 627 of 2025

In Re:- An application for bail or under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 corresponding to section 439 of the Code of Criminal Procedure 1973, in connection with NDPS Case No. 31 of 2022 arising out of Maidan Police Station Case No. 76 of 2022 dated 12/08/2022 under sections 21(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : **Manirul Islam**

.... Petitioner.

Mr. Ayan Bhattacharya
Mr. Hamidur Rahaman

... for the petitioner.

Mrs. Anusuya Sinha
Mr. Amanul Islam

... for the State.

Prosecution case is that 61.750 Kgs. of ganja was recovered from the possession of three accused persons. Petitioner submits that out of three accused persons, who is on better footing has already obtained bail. The petitioner is in custody for about three years. He further submits that this is his renewal of bail prayer, and his earlier bail application was rejected on 04.09.2024 when this Court directed the trial Court to conclude the trial within a period of six months from the next date fixed for recording of evidence. The trial has not yet been completed and as such he may be released on bail on any terms and conditions.

Mrs. Sinha, learned Counsel appearing on behalf of the State placed a memo of evidence and contended that the prosecution proposes to examine six witnesses

out of which they have already completed examination of four witnesses and the evidence of fifth witness was fixed on 28.07.2025. Accordingly, the trial is going to be concluded shortly and as such she opposed the prayer for bail made by the petitioner.

Having heard learned counsel appearing on behalf of the petitioner and the State, and that in spite of specific direction passed by this Court on 04.09.2024 to conclude the trial within a fixed time period trial has not yet been completed and till date it is not known how long it will take to conclude 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, **Manirul Islam**, 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, Kolkata, 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, Islampur Police Station, District –Murshidabad, once in a week until further order.

It is further ordered that the accused person 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 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, C.R.M. (NDPS) 627 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.)