

30.07.2025
Item no.42
Ct. No. 29
BD.

C.R.M. (NDPS) 659 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973, corresponding to section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 01 of 2023 arising out of Barjora Police Station Case No. 12 of 2023 dated 16/01/2023 under sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

In the matter of : **Suraj Bhuiya** Petitioner.

Mr. Soumik Ganguly
Mrs. Chandana Chakraborty ... for the petitioner.

Mrs. Anusuya Sinha
Ms. Rajnandini Das ... for the State.

It is submitted on behalf of the petitioner that 336.56 Kgs. of ganja was recovered from a vehicle which was allegedly driven by the petitioner herein. It has been further submitted on behalf of the petitioner that he is in custody for about two years six months and this is his renewal of bail prayer. He further submits that his earlier bail prayer was rejected on 1st October, 2024 when this High Court made a specific direction upon the trial Court to expedite the trial to the fullest and to conclude the same by delivery of judgment on an early date and definitely within a period of four months from the date of communication of this order. He further submits that order was duly communicated to the trial court on 14th November, 2024 but till date prosecution could examine only eight witnesses out of seventeen charge-sheeted witnesses and as such nobody knows when the trial

would be concluded and accordingly he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State submits that huge quantity of contraband was recovered from the joint possession of the petitioner and the prosecution proposes to examine only thirteen witnesses out of which examination of ten witnesses have already been completed and they are only require to examine three witnesses and the next date is fixed on 11th, 12th and 13th August, 2025. He further submits that the trial could not be concluded as Presiding Officer was on leave on some of the occasions.

Having heard learned counsel appearing on behalf of the petitioner and the State, and that the prosecution still require to examine three more witnesses and it is not ascertainable as to when the trial would be concluded and that the delay in trial is not apparently attributable to the petitioner herein, 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, **Suraj Bhuiya**, 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, Bankura, and also on condition that the petitioner shall not leave the geographical limit of District- Bankura, without the leave of the trial court, and shall report to the

Inspector-in-Charge/Officer-in-Charge, Barjora Police Station, 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) 659 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.)

