

06.08.2025
Court No.29
Item No.26
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 642 of 2025

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In Re:- An application for bail under Section 439 of the Code of Criminal Procedure 1973 or under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 19.5.2025 in connection with Entally Police Station Case No. 279 of 2023 dated 24.09.2023 under Sections 20(b)(ii)(c)/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985;

And

In the matter of :**Dilip Shaw**

...Petitioner.

Mr. Joy Chakraborty.

...For the Petitioner.

**Mr. Madhusudan Sur,
Mr. Prakash Mishra.**

...For the State.

1. The status report submitted by the State is kept with the record.
2. Prosecution case that 1,184 kg of Charas was recovered from the exclusive possession of the present petitioner and he is in custody since 24th September 2023. The petitioner further submits that the charge-sheet was filed on 17th February 2024 and the charge was framed on 21st May 2024 and a Co-ordinate Bench of this Court earlier rejected his bail prayer on 14th November 2024 and directed the learned Trial Court to conclude the trial at an early date. However, the record reveals that since then the prosecution could examine only two witnesses out of 6 witnesses. He further submits delay in trial is not attributable to the petitioner because on 23rd September 2024, 31st January 2025 and 12th March 2025, the prosecution failed to bring any witness and, as such, nobody knows when the trial would be concluded and as such he may be granted bail on any terms and conditions.
3. Mr. Madhusudan Sur, learned Advocate appearing on behalf of the State opposed the bail prayer contending that out of 6 witnesses

prosecution has already examined the 2 witnesses. He further submits that on 11th April 2025, 22nd May 2025, 24th June 2025 and 22nd July 2025, the cross-examination of the witness deferred on the basis of the prayer of the accused and, as such, it cannot be said that delay in trial is not attributable to the accused petitioner.

4. I have considered the submission made on behalf of both the parties. Having considered the period of incarceration suffered by the present petitioner and that there is hardly any chance of early conclusion of trial, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.
5. Accordingly, the petitioner, namely, **Dilip Shaw**, be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees twenty thousand), with two registered sureties of Rs. 10,000/- (Rupees ten thousand) each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Alipore, subject to the condition that the petitioner shall meet the Inspector in-Charge, Entally Police Station once in a week until further order and also on condition not to leave the geographical limit of South 24-Parganas district without taking leave of the Court until further order.
6. 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.
7. 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.
8. Accordingly, CRM (NDPS) 642 of 2025 is disposed of.
9. 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.)