

05.06.2025
GB/Pradip
Crt. No.6
Sl no.29
(Vacation Bench)
(party allowed)

C.R.M. (NDPS) 644 of 2025

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 14.05.2025 in connection with Singur Police Station Case No.143 of 2023 dated 22.04.2023 under Sections 20(b)(ii)(c) of the NDPS Act.

In the matter of : Debi Prasad Mukherjee & Ors.

..... Petitioners

Mr. Debasis Kar

... for the Petitioner

Ms. Sonali Das,
Ms. Sima Biswas

... for the State

Learned advocate for the petitioners and the learned advocate for the opposite party/State are present.

Heard learned advocates for the parties.

Perused the materials in the case diary.

Learned advocate for the petitioners submits that his clients are in custody for more than two years two months and the trial is yet to be concluded. Learned advocate further draws attention to the order passed by the Hon'ble Supreme Court which was a Special Leave Petition moved by the petitioner no.3, Soma Roy. By the order dated 09.09.2024, the Hon'ble Apex Court was pleased to dismiss the Special Leave Petition with the direction upon the learned trial court to expedite the trial and conclude the same preferably within a period of nine months from the date of receipt of the copy of the order.

Learned advocate for the petitioners submits that pursuant to the order passed by the Hon'ble Apex Court the trial is not expedited and it is not concluded within a short time. Learned advocate also submits that two

co-accused persons are on bail and the prayer for bail made by the petitioners be considered as there is no chance for trial to be expedited.

Learned advocate for the opposite party/State submits that 90kgs. of 'ganja' was recovered from the three petitioners and the trial has commenced and four witnesses have already been examined. Learned advocate further submits that the bail may not be granted to the petitioners.

Upon perusal of the case diary it appears that the articles were seized from the vehicle by which the petitioners were travelling. The vehicle's owner was granted bail as because his name transpired from the co-accused persons. As the trial has commenced, it would not be proper to make further observation with regard to the merits of the case, but it is necessary as to whether the petitioners should be enlarged on bail.

Upon perusing the order passed by the Hon'ble Apex Court with regard to the petitioner no.3, it appears that although there was a direction on 09.09.2024 to conclude the trial preferably within nine months, but till today only four witnesses are examined and it will take a considerable time to conclude the trial. It is also observed in different judicial pronouncements that if trial cannot be concluded within a reasonable period, the accused persons should be enlarged on bail. At this stage seven more witnesses are required to be examined. Thus, the trial cannot be concluded within the period as has been observed by the Hon'ble Apex Court and it will take a considerable time to conclude the trial.

Considering the nature of offence, materials in the case diary and the fact that the petitioner no.3 is a female accused and is suffering from incarceration for more than two years and considering the order passed by

the Hon'ble Apex Court, this Court is of the view that the petitioner no.3, Soma Roy should be released on bail.

Thus, I allow the prayer for bail made by the petitioner no.3, Soma Roy.

The petitioner no.3, Soma Roy shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned trial court. The petitioner upon being released shall intimate the Officer-in-Charge of the concerned police station of her mobile number and the place where she residing and shall not leave the jurisdiction of the court without the leave of the trial court and shall attend the court on all dates fixed.

The prayer for bail made by the petitioner nos.1 and 2 stands rejected at this stage.

Accordingly, CRM (NDPS) 644 of 2025 is disposed of.

(Biswaroop Chowdhury, J)