

28.08.2025

akb
Sl. 42
Ct.29
Allowed

CRM (NDPS) No. 736 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / under Section 483 of the BNSS Act, 2023 filed in connection with T.R. Case No. 01 of 2022 arising out of Uluberia Police Station Case No. 01 of 2022 dated 01.01.2022 under Section 21(c)/29 of the N.D.P.S. Act, 1985.

And

In re: Sahad Ali Shah @ Indur

... petitioner.

Mr. Mritunjoy Chatterjee

Mr. Arindam Polia

Mr. Arka Roy

...for the petitioner

Mr. Joydeep Roy

Ms. Rajashree Tah

...for the State

Learned Counsel appearing on behalf of the petitioner submits that the petitioner was granted bail by this Court on 9th February, 2024 on condition that the petitioner shall appear before the Trial Court on the dates fixed for trial. However, on 12th August, 2024 the petitioner filed an application under Section 307 of the Cr.P.C. but the Trial Court rejected his such prayer for representation through his Lawyer and thereby issued warrant of arrest against him. By dint of that warrant of arrest, the petitioner was apprehended on 25th February, 2025 and since then he is in custody. He further submits since issuance of warrant of arrest on 12.8.2024 prosecution could examine so far only one witness and they are required to examine five more witnesses. He further submits since there is hardly any chance of early conclusion of trial, no fruitful purpose would be served by detaining him any further in custody.

Learned Counsel appearing on behalf of the State opposed the prayer for bail contending that the petitioner failed to appear before the Court on the date of hearing and as such the Court below was justified in cancelling the earlier bail order and he was further justified

in issuance of warrant arrest. He further submits that petitioner did not voluntarily surrendered but he was arrested and if he is released on bail there would be chance of his further abscondence and the trial would get further delayed.

Having heard learned Counsel appearing on behalf of the petitioner and the State and also considering that there is no substantial progress of trial in the meantime for which delay is not attributable to him, I find that further detention of the present petitioner may not be required in the interest of trial.

In such circumstances, petitioner namely **Sahad Ali Shah @ Indur** may find bail 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, Howrah and on condition that he will not leave the geographical limit of District – Howrah without taking permission from the Trial Court 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) 736 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.)