

10.07.2025  
Item no.10  
Ct. No. 29  
BD.

**C.R.M. (NDPS) 690 of 2025**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973, correspondence under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jagaddal Police Station Case No. 75 of 2022 dated 02/02/2022 under sections 20(c) of the NDPS Act, 1985 now numbered as N-10/2022.

In the matter of : **Upendra Sahani @ Toto** .... Petitioner.

Mr. Debasish Kar (via VC)  
Mr. Husen Mustafi  
Mr. Arka Tilak Bhadra  
Ms. Suhana Parvin ...for the Petitioner.

Mr. Rudradipta Nandy  
Ms. Sudeshna Das ...for the State.

Prosecution case is that 4.5 Ltrs. of codeine mixture, was allegedly recovered from the joint possession of the petitioner and he is in custody for about three years five months.

Petitioner submits that prosecution proposes to examine nine witnesses out of which not a single witness could be examined till date and the next date is fixed on 28<sup>th</sup> October, 2025. He further submits that co-accused of this case Subrato Sarkar @ Raja was granted bail by this Court vide order dated 13<sup>th</sup> March, 2024 in CRM (NDPS) 440 of 2024 and he is almost on the same footing and may be released on bail on any terms and conditions.

Learned counsel for the State though opposed the bail prayer but candidly submits that recording of

evidence has not yet been started and the prosecution proposes to examine nine witnesses. He further submits that record reveals there is no criminal antecedence of the present petitioner.

Having heard learned counsel appearing on behalf of both the parties and that the petitioner is in custody for about a pretty long time and recording of evidence has not yet been started and nobody knows when the trial would be concluded and as such 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, **Upendra Sahani @ Toto**, 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 Additional Chief Judicial Magistrate, Barrackpore, and also on condition that the petitioner shall not leave the geographical limit of District- North 24 Parganas, without the leave of the trial court, and shall report to the Inspector-in-Charge, Jagaddal Police Station, District – North 24 Parganas, 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) 690 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.)**