

09.09.2025
Item no.216
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 728 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973/Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 188 of 2022 arising out of Seizure Case No. S/C No.01/CL/NDPS/Poppy Husk/BCPU/CCP/WB/2022-23 dated 22/08/2022 under sections 15(c)/29/ of the NDPS Act, 1985.

BD. In the matter of : **Baljit Singh & Anr.** Petitioners.

Mr.Arnab Chatterjee ... for the petitioners.

Mr. Vipul Kundalia

Mr. Abhradip Maity

Mr. Dhirodatta Chaudhury ... for the Customs
Authority.

Prosecution case is that 463 Kgs. of poppy straw was recovered from the joint possession of the present petitioners who were driver and khalasi of the vehicle which was carrying narcotic substance and they are in custody since 22nd August, 2022. In this case charge-sheet was submitted on 17th February, 2023 and the charge was framed on 5th June, 2024.

Petitioners counsel further submits that while disposing CRM (NDPS) 1303 of 2024 dated 23rd August, 2024 in connection with the bail prayer of the present petitioners, this Court requested the trial court to conclude the trial by 31st January, 2025. On 31st January, 2025 no witness was present, thereafter on 4th August, 2025 also no witness was present. Thereafter the trial court examined the accused persons under section 313 of the Cr.P.C. on 17th February, 2025. The court

below also heard argument on behalf of the parties on 21st March, 2025, 29th March, 2025 and 16th April, 2025. Thereafter the prosecution came up with an application under section 311 of the Cr.P.C. for recalling PW 4.

By the last order this Court considering prayer of the prosecution again requested the trial court to conclude the trial at an earliest and to deliver judgment preferably within a period of one month from the next date of hearing. Petitioners counsel further submits that the certified copy of order reveals that on 4th August, 2025 was fixed for evidence on recall but on that day also no witness was present. In such circumstances he submits that nobody knows when the trial would be concluded and considering the period of detention they may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the Customs authority submits that they only require to re-examine PW 4 Sonulal and after that it will not take much time to deliver judgment by the trial court and his instruction is that within next two months trial could be concluded.

Having heard the submissions made on behalf of the petitioners and that the petitioners are in custody for more than three years and that there is hardly any chance of early conclusion of trial and also considering the fact that delay in trial is not attributable to the

petitioners, the prayer for bail made by the petitioners is allowed.

Accordingly, the petitioners namely **Baljit Singh and Pargat Singh**, shall find bail of Rs. 20,000/-each with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Berhampore, Murshidabad, and also on condition that the petitioners shall not leave the geographical limit of District- Murshidabad, without the leave of the trial court, and shall report to the Inspector-in-charge, Office of the Superintendent of Customs, Berhampur Customs Preventive Unit of Chaltia, Berhampur, District- Murshidabad, twice in a week until further order.

It is further ordered that the accused persons shall not mis-use the liberty granted by this Court and they shall not tamper with any evidence orally or documentary during the trial. They shall not absent themselves on any day during trial and shall not commit any offence while on bail. They shall give their cell phone numbers to the Inspector-in-charge, Office of the Superintendent of Customs, Berhampur Customs Preventive Unit of Chaltia, Berhampur, District- Murshidabad, and shall not change it without prior permission of the trial court and they shall not in any manner try to delay the trial. The petitioners 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) 728 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.)