

25.07.2025
Item no.20
Ct. No. 29
BD.

C.R.M. (NDPS) 785 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure 1973, or under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 74 of 2022 arising out of Kaliganj Police Station Case No. 626 of 2022 dated 23/09/2022 under sections 20(b)(ii)/25/29 of the NDPS Act, 1985.

In the matter of : **Biman Kishore Sen.**

.... Petitioner.

Mr. Joydeep Biswas
Mr. Sumanta Das
Ms. Sayantika Sahu

...for the Petitioner.

Mr. Rana Mukherjee
Ms. Debarshi Brahma

...for the State.

Prosecution case is that 52.5 Kgs. of ganja was allegedly recovered from the possession of the present petitioner and the petitioner is in custody for about 2 years 10 months. He further submits that this is his renewal of bail prayer and his last bail application was rejected on 04.09.2024 when this Court directed the trial Court to conclude the trial within a period of one year from that date. Liberty was given to the petitioner to renew his bail prayer if the trial be not concluded within the said time period.

Learned Counsel appearing for the petitioner placed a list of dates about the proceedings before the trial Court which indicates that on 18.01.2025, 18.02.2025, 27.03.2025, 28.03.2025, 29.03.2025,

14.05.2025, 15.05.2025 and 16.05.2025 prosecution failed to bring any witnesses before the Court and the next date is fixed on 19.09.2025, 20.09.2025 and 22.09.2025. He further submits that prosecution proposes to examine 23 witnesses out of which they could examine so far only 3 witnesses and nobody knows when the trial would be concluded and accordingly the petitioner may be granted bail on any terms and conditions.

Mr. Mukherjee, learned Counsel appearing on behalf of the State opposed the bail prayer contending that while his bail prayer was lastly rejected on 04.09.2024 the Court gave one year time to conclude the trial but one year has not been expired and as such his bail prayer is pre-mature and that huge quantity of narcotic substance was recovered from the possession of the present petitioner. He further submits that the trial is going on and it is expected to concluded within a short span of time.

Having considered the submission made on behalf of the petitioner and the State, it appears that petitioner is in custody for nearly about three year and that prosecution could so far examine only three witnesses out of 23 witnesses and as such it is not ascertainable as to when the trial would be concluded and considering all these 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, **Biman Kishore Sen**, 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 Chief Judicial Magistrate, Krishnagar, Nadia and also on condition that the petitioner shall not leave the geographical limit of District- Nadia, without the leave of the trial court, and shall report to the Inspector-in-Charge/Officer-in-Charge, Kaliganj Police Station, District –Nadia, 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) 785 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.)