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Allowed

C.R.M. (NDPS) 797 of 2025

In Re:- An application for Bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with NDPS case no. 36 of 2021 arising out of NCB Crime no. 66/NCB/Kol/2021 under Sections 8(C)/20/(b)1/(A) 22(c)/23/29 of the NDPS Act, 1985.

And

In the matter of : **Dhiraj Kumar**

.... Petitioner

Mr. Ayan Bhattacharya
Mr. Apalak Basu
Ms. Pritha Bhaumik
Ms. Sanghamitra Mridha
...for the Petitioner

Mr. Krishnendu Bhattacharya
Mr. Priyankar Ganguly
...for Union of India.

The petitioner's contention is that he was arrested on 13th July, 2021 and is in custody for about four years. He further submits that in respect of specific direction for conclusion of trial within six months made the Apex Court dated 02.09.2024, trial has not been concluded as yet and prosecution still proposes to examine three more witnesses. He further submits that the other accused persons are on bail and the present petitioner is almost on the same footing and as such, he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State opposes the prayer for bail contending that huge quantity of narcotic substance was recovered from the possession of the present petitioner and the trial is going to be concluded shortly and if the petitioner is released on bail at this stage

there may be serious chances of abscondence and for which the trial will get delayed.

Having heard the learned counsel appearing on behalf of the petitioner and the State, the prayer for bail made by the petitioner is **allowed** solely on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Dhiraj Kumar** shall be released on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Kolkata and also on condition 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 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 petitioner shall not leave the geographical limit of Kolkata without taking leave from the court below and shall meet the Investigating Officer thrice in a week until further order. 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 anything said herein shall not be construed as an expression of opinion on the merit of the case.

Accordingly, **C.R.M. (NDPS) 797 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.)