

19.09.2025
Item no.200
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 816 of 2025

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Case No. 05 of 2023 arising out of Burdwan Police Station Case No. 418 of 2023 dated 05/04/2023 under sections 21(C) of the NDPS Act, 1985.

BD.

In the matter of : **Mir Badsha @ Biki** Petitioner.

Mr.Uday Sankar Chattopadhyay
Ms. Trisha Rakshit
Ms. Aishwarya Datta
Ms. Bidisha Chakraborty
Ms. Sadia Parveen ... for the petitioner.

Mr. Ranabir Roy Chowdhury
Mrf. Mujibar Ali Naskar ... for the State.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody for about two years five months i.e., from 5th April, 2023.

Prosecution case is that 1700 gms. of codeine mixture was recovered from the possession of the present petitioner and charge was framed on 28th November, 2023 but till today prosecution could not examine a single witness though they have proposed to examine thirteen witnesses and the delay in trial is not attributable to the petitioner. Accordingly, Mr. Chatterjee, learned counsel appearing on behalf of the petitioner submits that there is uncertainty as to when the trial would be concluded and considering his period

of detention he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the State filed a status of trial before the trial court which is kept with the record. He submits that commercial quantity of narcotic substance was recovered from the possession of the present petitioner and as such the rigour of section 37 of the NDPS Act, attracts in respect of the present petitioner. Therefore he opposed the bail prayer.

Having heard the submissions made on behalf of the learned counsel for the petitioner and the State and also considering the period of incarceration suffered by the petitioner and that there is hardly any chance of early conclusion of trial and the delay in trial is not attributable to the petitioner, 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 **Mir Badsha @ Biki**, 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, Purba Bardhaman, and also on condition that the petitioner shall not leave the geographical limit of District- Purba Bardhaman, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Burdwan Police Station, District- Bardhaman, 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) 816 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.)

