

14.08.2025

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Allowed

C.R.M. (NDPS) 871 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. 46 of 2023 arising out of Chapra Police Station case no. 279 of 2023 dated 13.05.2023 under Sections 21(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Azizul Sheikh @ Ajijul Sk. & Anr.**
.... Petitioners

Mr. Debabrata Roy

Ms. Karabi Roy

...for the Petitioners

Mr. Bibaswan Bhattacharyya

Mr. Asif Dewan

...for the State

Report submitted by the State is taken on record.

Prosecution case is that 996 bottles of cough syrup containing codeine phosphate was recovered from the joint possession of the four accused persons from two vehicles and the present petitioners are one of those four accused persons.

Learned counsel for the petitioners submits that the co-accused namely, Sakil Ahammed, who was also arrested from one of the vehicles and who is on the same footing with the present petitioners, has already obtained bail from this court vide order dated 26.6.2025 in CRM (NDPS) 492 of 2025. He further submits that the prosecution is still required to examine four more witnesses and the next date is fixed on 26th September, 2025 before the court below and nobody knows when the trial would be concluded and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposes the bail prayer contending that following the statement of the accused

person, one Amitava Biswas @ Rajesh was arrested on 18.5.2023 and his bail prayer was rejected by this court on 6.5.2025. Said Amitava Biswas @ Rajesh preferred special leave to appeal before the Apex court being SLP (Crl.) no. 9142 of 2025 which also got dismissed. Accordingly, the bail prayer of the present petitioner should not be allowed and the prosecution should be given some more time so that they could conclude the trial within a short span of time.

Having considered the submissions made on behalf of both the parties, it appears that while the bail prayer of Amitava Biswas @ Rajesh was rejected by this court, it was specifically observed that since last order passed by the Apex Court on 26.11.2024, there was substantial progress in trial and the learned counsel for the State sought more time for conclusion of trial and considering these two aspects, the bail prayer was rejected but it appears that since then, no substantial progress in the trial has taken place and the prosecution is still required to examine four more witnesses and the next date is fixed just on the eve of long puja vacation and as such, there is hardly any chance of early conclusion of trial and moreover, the present petitioners are almost on the same footing with that of the co-accused namely, Sakil Ahammed who has been granted bail by this court. In such view of the matter, the petitioners' bail prayer is allowed.

Accordingly, the petitioner namely, **Azizul Sheikh @ Ajijul Sk. and Bachchu Mistry** shall be released on bail upon furnishing a bond of Rs. 20,000/- each with two registered

sureties of Rs. 10000/- each, of which one must be local, subject to the satisfaction of the learned Chief Judicial Magistrate, Krishnanagar, Nadia and also on condition 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 mobile phone numbers to the local police station 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 geographical limit of district of Nadia without taking leave from the court below and shall report to the O.C./I.C., Chapra Police Station once 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, CRM (NDPS) 871 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.)