

31.07.2025
Item no.32
Ct. No. 29
BD.

C.R.M. (NDPS) 911 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 NCB Crime No. 20 of 2022 in NDPS Case No. 35 of 2022 under sections 8(c)/15(C)/18(A)/29/35/54 of the NDPS Act, 1985.

In the matter of : **Amit Kumar Lodh** Petitioner.

Mr. Soumya Basu Roy Chowdhuri ... for the petitioner.

Mr. Anirban Mitra ... for the NCB.

Report filed by the NCB is taken on record.

Prosecution case is that 113.93 Kgs. of Poppy Straw and 350 Gms. of Opium was recovered from joint possession of the petitioner and the co-accused.

Learned counsel appearing on behalf of the petitioner submits that petitioner was arrested on 08.09.2022 and he is in custody for about two years eleven months. He further submits that the prosecution proposes to examine seven witnesses out of which they could complete examination of three witnesses so far and they are still require to examine four more witnesses. He further submits that the charge of this case was framed on 6th October, 2023 and nobody knows when the trial would be concluded and as such he may be released on bail on any terms and conditions as the delay in trial is not attributable to the petitioner.

Learned counsel appearing on behalf of the NCB submits that huge quantity of contraband substance was

recovered from the joint possession of the petitioner and that the case is at the trial stage and the accused persons took adjournment on some occasions and on some occasions the trial was adjourned due to resolution taken by the local Bar. He further submits that it will not take much time to conclude the trial and as such a time frame may be fixed for conclusion of trial. He further submits that if the bail is granted there is every possibility that the accused may jump bail, considering the gravity of the offence and sufferings of the punishment and there is also every likelihood of committing similar nature of offence by the petitioner.

I have considered the submissions made on behalf of the petitioner and the NCB. It appears that the prosecution is still require to examine four more witnesses and the petitioner is in custody for nearly three years, therefore, the prayer for bail made by the petitioner is allowed only on the touch-stone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Amit Kumar Lodh**, 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, Kolkata, and also on condition that the petitioner shall not leave the geographical limit of Kolkata Municipal Corporation, District- North 24 Parganas, without the leave of the trial court, and shall attend to

the Office of the NCB, once in a fortnight 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) 911 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.)

