

12.08.2025
akb
Sl. 24
Ct.29
Allowed

CRM (NDPS) No. 924 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the BNSS Act, 2023 filed in connection with T.R case no. 04 of 2023 arising out of Sankrail Police Station Case No. 64 of 2023 dated 23.1.2023 under Section 20(b)(ii)(C) of the N.D.P.S. Act, 1985.

And

In re: Nilkamal Das **... petitioner.**

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

Mr. Rana Mukherjee,
Ms. Rita Dutta ...for the State.

Prosecution case is that 44 kgs. of Ganja was recovered from the exclusive possession of present petitioner.

Learned counsel for the petitioner submits that the petitioner is in custody for about two years and seven months. He further submits that this is renewal of his bail prayer and earlier his bail prayer was rejected on 3rd July, 2024 when this court directed the Trial court to conclude the trial within a period of one year from the date of framing of charge. Thereafter, the petitioner preferred another bail application before this court being CRM (NDPS) 222 of 2025 wherein the learned counsel for the prosecution submitted that there are 11 charge-sheeted witnesses and one year period would be concluded by 15th July, 2025 and in the meantime, the trial would be concluded. However, only one witness has been examined in part so far and nobody knows when the trial would be concluded and as such, he may be released on bail on any terms and conditions.

Mr. Mukherjee, learned Counsel appearing on behalf of the State opposed the bail prayer contending that the delay in trial is not

attributable to the prosecution and the trial has already been commenced and it is expected that the trial would be concluded within short span of time.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that the prosecution is still required to examine at least 10 more witnesses and that the petitioner is in custody for about two years and seven months. Therefore, the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, petitioner namely, **Nilkamal Das** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Howrah and on condition that he will not leave the geographical limit of district Howrah without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Sankrail Police Station once in a week till further order and also on condition that the accused 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 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 nothing said herein shall be construed as an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 924 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)