

13.08.2025

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Allowed

C.R.M. (NDPS) 960 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. 78 of 2022 arising out of Karandighi Police Station case no. 607 of 2022 dated 22.11.2022 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Sahajamal**

.... Petitioner

Mr. Jisan Iqubal Hossain

...for the Petitioner

Mr. Avishek Sinha

Ms. Ratna Ghosh

...for the State

Prosecution case is that 275 bottles of cough syrup containing codeine phosphate was recovered from the joint possession of the four accused persons including the present petitioner. One of such co-accused namely, Multan Ali has already been granted bail from the Apex court in SLP (Crl.) no. 7661 of 2025 on 17.7.2025.

Learned counsel for the petitioner submits that he is in custody for about two years and nine months and he is also on the same footing with that of the co-accused namely, Multan Ali. He further submits that the prosecution proposes to examine 12 witnesses out of which they could examine so far only four witnesses and nobody knows 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 for the State opposed the bail prayer but in his usual fairness, he submits that the present petitioner is almost on the same footing with that of the co-

accused namely, Multan Ali and as such, he leaves the prayer to the discretion of the court.

Having considered the submissions made on behalf of both the parties and that the petitioner is in custody for about two years and nine months and that there is hardly any chance of early conclusion of trial, 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, **Sahajamal** 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, Uttar Dinajpur 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 district of Uttar Dinajpur without taking leave from the court below and shall report to the O.C./I.C., Karandighi 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) 960 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.)