

06.08.2025  
Item No.39  
AB  
Allowed

**C.R.M. (NDPS) 974 of 2025**

In Re:- An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Berhampore Police Station case no.1374 of 2022 dated 16.10.2022 under Sections 20(b)(ii)(c)/29 of the NDPS Act, 1985.

And

In the matter of : **Riyaj Hossain**

.... Petitioner

Mr. S. Basu Roy Choudhury,  
Mr. Anisur Rahaman

...for the Petitioner

Mr. Bitoshok Banerjee,  
Ms. Debarshi Brahma

...for the State

It is submitted on behalf of the petitioner that 175 kilograms of ganja was recovered from the joint possession of the present petitioner and one Rana Dey. The said co-accused has already been granted bail by this Court in CRM (NDPS) 579 of 2025 on the ground of delay in trial and on the touchstone of Article 21 of the Constitution of India.

The present petitioner is in custody for about two years ten months and the prosecution so far could examine only 8 witnesses out of 13 witnesses and they require to examine 5 more witnesses and as such, it is not known when the trial would be concluded and hence, he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposes the bail prayer, but he does not dispute that the present petitioner is almost on the same footing with that of the co-accused Rana Dey.

Having heard learned Counsel appearing on behalf of the petitioner and the State and that the petitioner is in custody for about two years and ten months and there is hardly any chance of early conclusion of trial, the prayer for bail is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Riyaj Hossain** 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, Murshidabad at Berhampore, and also on condition that the petitioner shall not leave the geographical limit of District – Murshidabad, without the leave of the Trial Court and shall report to the Inspector in Charge, Berhampore Police Station, District – Murshidabad, 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 him 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 jurisdiction of trial court without taking leave from the court below. 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 by this Court.

Accordingly, CRM (NDPS) 974 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.)**