

14.08.2025
Ct.29/31
A.J.
Allowed

C.R.M. (NDPS) 996 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 November 22, 2022 under Sections 21(c) of the NDPS Act, 1985.

And

In the matter of : **Hasen Ali @ Hosen Ali & Anr.**
.... Petitioners

Mr. Navanil De,
Mr. Srinjan Ghosh. ...for the Petitioners

Ms. Faria Hossain,
Mr. Tirthankar Dhali. ...for the State

It is submitted on behalf of the petitioners that 275 bottles of cough syrup was allegedly recovered from the possession of the four accused persons out of which two are the present petitioners. He further submits that one accused person, namely, Multan Ali has already been granted bail by the Apex Court in Special Leave to Appeal (Cril.) No. 7661 of 2025 on 17th July, 2025 and another accused Sahajamal obtained bail from this Court vide CRM (NDPS) 960 of 2025 on 13th August, 2025. He further submits that the petitioners are almost on the same footing. Moreover, the prosecution examined so far only four witnesses out of twelve witnesses and it will take long time to conclude the trial. The petitioners are in custody for about two years nine months and considering their period of incarceration, they may be released on bail on any condition.

Learned Counsel appearing on behalf of the State opposes the bail prayer but in his usual fairness, he submits that the petitioners are almost on same footing with the co-accused persons who are on bail.

Having heard learned Counsel appearing on behalf of the petitioners and the State and considering the period of incarceration suffered by the present petitioners 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 petitioners namely, **Hasen Ali @ Hosen Ali** and **Chanwa Bibi** 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, Uttar Dinajpur 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 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 in

between sunrise and sunset 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) 996 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.)