

16.09.2025
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C.R.M. (NDPS) 1002 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. 05 of 2023 arising out of Dankuni Police Station case no. 145 of 2023 dated 3.5.2023 under Sections 21(c)/27A/29 of the NDPS Act, 1985.

And

In the matter of : **Nani Gopal Biswas @ Noni Gopal Biswas**
.... Petitioner

Mr. Tapodip Gupta ...for the Petitioner

Mr. Saryati Datta
Mr. Subhasish Datta ...for the State

Prosecution case is that 1.023 kgs. of heroin was recovered from the joint possession of the present petitioner and one co-accused person.

Learned counsel for the petitioner submits that he is in custody since 3rd May, 2023 i.e. for about two years and four months and the prosecution proposes to examine nine witnesses out of which they could not complete the examination of PW1 as yet. He further submits that this is a renewal of his bail prayer and his bail prayer was earlier rejected on 24th February, 2025, when the trial commenced but for the last six and half months, eight schedules have been fixed by the court below but the trial did not proceed and for which, the delay is not attributable to the present petitioner and as such, he may be released on bail on any terms and conditions.

Learned counsel for the State opposed the bail prayer contending that commercial quantity of narcotic substance

was recovered from the joint possession of the present petitioner and the rigour of Section 37 clearly attracts in respect of the present petitioner.

Having considered the submissions made on behalf of both the parties and that the petitioner is in custody for about two years and four months and that the trial did not proceed since rejection of his earlier bail order and the delay in trial apparently is not attributable to the petitioner, 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, **Nani Gopal Biswas @ Noni Gopal Biswas** 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, Hooghly at Chinsurah 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 geographic limit of Dankuni Police Station without taking leave from the court below and shall report to the O.C./I.C., Dankuni 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) 1002 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.)