

26.09.2025
Item no. 14
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1026 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973, corresponding to Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with NDPS Case No. 20 of 2019 (NCB Crime No. 11/NCB/KOL/2019) dated 05.07.2019 arising out of Special Case No. 20 of 2019 under sections 18(b)/27A/29 of the NDPS Act, 1985.

BD.

In the matter of : **Arun Kumar**

.... Petitioner.

Sk. Salim

Mr. Biswajit Tiwari

... for the petitioner.

Mr. Himangshu De

Mr. Sagar Saha

... for the NCB.

Report submitted by the NCB is taken on record.

Prosecution case is that 9.780 Kgs. of opium was recovered from the joint possession of petitioner and one Birbal Kumar. He further submits that said Birbal Kumar has already been granted bail by this Court on 18.12.2023 in CRM (NDPS) 1926 of 2023. He further submits that the present petitioner is almost on the same footing and he is in custody for about six years two months and the prosecution proposes to examine 10 witnesses out of which they could examine so far only one witness and as such nobody knows when the trial would conclude and as such he may be released on bail on any terms and conditions.

Learned counsel appearing on behalf of the NCB opposed the bail prayer contending that petitioner has criminal antecedent and he has already been convicted

in connection with another case under the NDPS Act where he is now on bail on being preferring an appeal.

Having heard learned counsel appearing on behalf of the petitioner and the State, and the period of incarceration suffered by the present petitioner and that petitioner is almost on the same footing with that of the co-accused Birbal Kumar, and that still there is hardly any chance of early conclusion of trial, the prayer for bail made by the petitioner is allowed on the touchstone of Article 21 of the Constitution of India.

Accordingly, the petitioner namely, **Arun Kumar**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Purba Bardhaman, and also on condition that the petitioner shall not leave the geographical limit of District- Purba Bardhaman,, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Purba Bardhaman Police Station, District- Burdwan, 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 his cell 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 the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 1026 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.)