

02.09.2025

akb  
Sl. 241  
Ct.29  
Allowed

**CRM (NDPS) No. 1079 of 2025**

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 read with Section 483 of the BNSS Act, 2023 filed in connection with NDPS Case No. 90 of 2022 arising out of Bhimpur Police Station Case No. 492 of 2022 dated 11.12.2022 under Section 21(c)/29 of the N.D.P.S. Act, 1985.

And

**In re: Rabiul Sk**

**... petitioner.**

Mr. Joy Chakraborty

Mr. Sandip Dinda

...for the petitioner

Ms. Rituparna Ghosh

Mr. Bikram Mitra

...for the State

Prosecution case is that 144 bottles of cough syrup containing codeine phosphate was recovered from the exclusive possession of the present petitioner.

It is submitted on behalf of the petitioner that the petitioner is in custody for about 2 years 8 months and 22 days. He further submits that prosecution proposes to examine 27 witnesses, out of which examination of 24 witnesses have been completed and the Trial Court has fixed the next date for recording evidence on 24<sup>th</sup> November, 2025. He further submitted that the charge sheet submitted in this case on 31<sup>st</sup> May, 2023 and the charge was framed on 4<sup>th</sup> December, 2023. He further submitted that this Court while rejected the bail prayer of the present petitioner on 19.8.2024 directed the Trial Court to conclude the trial within a period of eight months and that order was duly communicated to the Court below on 30<sup>th</sup> August, 2024 but till date the trial has not been concluded and the delay in conclusion of the trial is not attributable to the petitioner and as such he may be released on bail on any terms and conditions.

Learned Counsel appearing on behalf of the State opposed the

bail prayer contending that 25 witnesses have been examined so far and it will not take much time to conclude the trial.

Having heard learned Counsel appearing on behalf of the petitioner and the State and also considering the period of incarceration suffered by the present petitioner and that there is hardly any possibility of conclusion of trial within a short period of time the prayer for bail made by the petitioner is allowed only on the touchstone of Article 21 of the Constitution of India.

Accordingly, petitioner namely **Rabiul Sk** shall be enlarged on bail upon furnishing a bond of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of whom must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Krishnanagar and on condition that he will not leave the geographical limit of district – Nadia without taking permission from the Trial Court and also on condition that he will meet O.C./I.C. Bhimpur Police Station once in a week till further order and also on condition that the accused 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 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 nothing said herein shall be construed as

an expression of opinion on the merits of the case.

The application for bail being **CRM (NDPS) 1079 of 2025** is, accordingly allowed and disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all requisite formalities.

***(Dr. Ajoy Kumar Mukherjee, J.)***