

12.
13-02-2025
(ct. no.29)
(allowed)
debajyoti

CRM (NDPS) 16 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Bauria Police Station Case No.176 of 2021 dated 16-10-2021 under Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act.

- A n d -

In the matter of : Sourav Mahapatra

.... Petitioner.

Mr. Sk Toslim Ali

... For the Petitioner.

Ms. Sreyashee Biswas,
Mr. Sachit Talukdar

... For the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail which was rejected earlier by an order dated August 23, 2024 in CRM (NDPS) 1301 of 2024. While rejecting his prayer, this Bench had directed the learned trial Court to conclude the trial by delivering judgment within three months from the next date fixed for recording of evidence. The petitioner was granted liberty to renew his prayer for bail if the trial is not concluded within the stipulated period of time.

2. The petitioner says that the said order has had no effect. Only five out of ten charge sheet named witnesses have been examined. On the last two occasions, the Presiding

Officer was on leave. There is no possibility of an early conclusion of the trial.

3. Opposing the prayer for bail, learned State advocate tells us that 25 kgs. of Ganja was seized from the joint possession of the accused persons, including the petitioner. It is not the fault of the prosecution that there is delay in progress of the trial. All efforts will be made to conclude the trial on an early date.

4. We see that the petitioner is in custody for about three years four months now. Only five out of ten charge sheet named witnesses have been examined so far. In spite of our earlier direction, there has not been any appreciable progress in the trial. Hence, on the ground of delay in progress of trial and the prolonged custodial detention of the petitioner and without touching the merits of the case, we are constrained to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Sourav Mahapatra**, shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of learned Judge, Special Court under NDPS Act, Howrah. The petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and/or commit any cognizable offence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at

liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)