

CRAN 2 of 2024
in
CRM (NDPS) 1319 of 2022

In re: An application for relaxation of condition of bail under Section 439(1)(b) of the Code of Criminal Procedure/Section 483(1)(b) of the BNSS

- A n d -

In the matter of : Sukanta Nayek

.... Petitioner.

Mr. Subhadeep Ghosh,

... for the petitioner.

Mr. Arun Kumar Maiti,
Mr. R. R. Mohanty,

.... For the NCB.

IN Re: CRAN 2 of 2024

1. The petitioner was granted bail by an order dated November 17, 2022 passed in CRM (NDPS) 1319 of 2022, *inter alia*, on the condition that he shall not leave the district of Howrah until further orders expect for the purpose of attending court proceedings. He now seeks relaxation of that condition of bail. He says that his wife has delivered a baby at his native place, in the district of Khurda, Orissa. He has not seen the baby. He is adhering to the conditions of bail for the last two years. He will continue to do so.

2. Strongly opposing the prayer for relaxation, learned Advocate for Narcotics Control Bureau says that if the petitioner is allowed to leave the geographical limits of Howrah and permitted to go to Orissa, it is very likely that he will not come back to face the trial. Only two witnesses remain to be examined. The prosecution is pretty much sure that the trial can be concluded within two months from the next date fixed for hearing.

3. Learned Advocate also refers to an order dated September 27, 2023, passed in CRM (NDPS) 1319 of 2022, whereby the petitioner's prayer for relaxation of the condition of bail restricting him to the territorial limits of Howrah, was rejected.

4. Having heard learned Advocates for the parties, we are of the view that immediately the concerned condition of bail may not be relaxed, particularly in view of the assurance meted out by learned Advocate for the NCB that the trial will be concluded within two months from the next date fixed for hearing by the learned Trial Court.

5. Accordingly, we dispose of this application by granting liberty to the petitioner to renew his prayer for relaxation of conditions of bail after two months from the next date fixed for hearing by the learned Trial Court in view of the assurance granted on behalf of the prosecution.

6. CRAN 2 of 2024 is, thus, disposed of.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)