

01.06.2023.
11.
Ct.No.08
as/TN
(Allowed)

C.R.M. (NDPS) 1079 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with NDPS Case No.19 of 2019 arising out of Naihati P. S. Case No.71 of 2019 dated 12.02.2019 under Sections 21(c) of the NDPS Act.

In the matter of : Biswajit Saha @ Biswa.

.... Petitioner.

Mr. Arjadyuti Pahari,
Mr. Supratik Jana.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Learned Advocate appearing for the petitioner submits that in this case there has been recovery of 2.5 kgs. of codeine mixture from the joint possession of petitioner and another.

Mr. Banerjee, learned Advocate appearing for the State opposes the prayer for bail and submits that out of the cited 11 charge-sheeted witnesses, two witnesses have been examined and opportunity must be given to the State as the next date is fixed on June 5, 2023 and June 6, 2023. Learned Advocate for the State emphasises that all steps would be taken by the State for expediting the progress of the trial.

However, we find that the present petitioner is in custody for four years and three months.

Having regard to the period of detention suffered by the petitioner, we are unable to satisfy ourselves regarding his further detention. As such, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act-cum-learned Additional District and Sessions Judge, 1st Court at Barrackpore, North 24-Paraganas. In this case the local surety would be a person who would furnish the title deed of a property before the learned Special Court. Petitioner shall be physically available on each and every date so fixed by the court.

The petitioner shall once in a fortnight for a period of next six months meet with the Officer-in-charge/Inspector-in-charge or any police personnel deputed by Naihati Police Station. The concerned officer would submit a compliance report before the learned Special Court.

In case there are violations of any of the aforesaid conditions, the learned Special Court would cancel the bail of the petitioner without further reference to this Court.

The application for bail being CRM (NDPS) 1079 of 2023 is allowed.

(Supratim Bhattacharya, J.)

(Tirthankar Ghosh, J.)