

08.11.2023  
jb/tkm (14)  
ct8

**C.R.M.(NDPS) 1812 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ghola P.S case no. 316 of 2018 dated 30.6.2018 under section 20(b) of the NDPS Act  
and

**Allowed**

In Re : Papai Naskar ... petitioner

Mr. Debases Kar

.....For the petitioner.

Mr. Pradipto Ganguly

.....For the State.

1. The petitioner is in custody for more than five years after having been intercepted with contraband articles along with another co-accused. The co-accused has been granted bail on 8<sup>th</sup> July 2021. The petitioner therefore prays for being enlarged on bail.
2. On behalf of the State it is submitted that the co-accused was granted statutory bail. The grant of statutory bail does not *ipso facto* entitle the petitioner being the other co-accused to obtain a bail. Moreover, the same court which granted statutory bail to the co-accused have rejected the petitioner's bail application as late as 5<sup>th</sup> August 2023. Learned advocate for the State, therefore, opposes the prayer for bail.
3. After hearing the parties and considering the materials on record we find that the petitioner is in custody for more than five years. It is correct that the statutory bail does not entail grant of automatic bail to the other accused. The trial

has commenced but only one witness has been examined and petitioner is in custody for five years. We do not find any requirement of detention of the petitioner. Since the trial has already commenced and a co-accused is already on bail even though statutory bail then the likelihood of the trial being influenced on the petitioner being enlarged on bail is also minimum.

4. Considering this aspect, we are inclined to grant bail to the petitioner on the following conditions:

5. The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Barrackpore on the following conditions:

(i) The petitioner shall not leave the local limits of the jurisdictional police station where he resides without prior intimation to the I.C/O.C of the concerned police station.

(ii) The petitioner should be present in court on the dates when the trial is fixed. In default, the trial court shall be at liberty to cancel the bail bond without reference to this Bench.

(iii) The petitioner shall co-operate with the trial and shall obey all directions given from time to time.

(iv) The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. The trial be concluded as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

7. The application for bail CRM (NDPS) 1812 of 2023 is, accordingly, disposed of.

**(Biswaroop Chowdhury, J.)**

**(Arindam Mukherjee, J.)**