

30.05.2024
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C.R.M. (NDPS) 886 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bizpur P.S case no. 42 of 2022 dated 25.1.2022 under sections 21(c)/29 of the NDPS Act
and

Allowed

In Re : Suman Biswas

..... petitioner

Mr. Debasis Kar

..... for the petitioner

Ms. Surata Roy

Mr. Bikram Mitra

..... for the State

1. Learned advocate for the petitioner submits that the petitioner is similarly placed as other accused namely Subash Das who has been granted bail in CRM(NDPS) 669 of 2024 pursuant to the findings of the Hon'ble Apex Court in *Rabi Prakash vs. State of Odisha*¹.

2. Learned advocate for the State opposes the prayer of bail.

3. However, we are of the opinion that the petitioner is in custody since 25th January 2022 and only two witnessed out of 11 witnesses have been examined in this case.

4. Considering the materials on record and the period of detention of the present petitioner and no scope of the trial being concluded in the near future, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 NDPS Act Barrackpore, North 24

¹ 2023 SCC OnLine SC 1109

Parganas/ACJM Barrackpore, North 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall not commit similar offences in future.

6. In the event he fails to appear before the trial court without any justifiable cause, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (NDPS) 886 of 2024 is disposed of.

8. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this court.

(Biswaroop Chowdhury, J.)

(Tirthankar Ghosh, J.)