

21. 19.08.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1141 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Doulatabad** Police Station Case No. **252/2022**, dated **16.11.2022** under Sections **21(c)/22(c)/29** of the NDPS Act, 1985.

And

In the matter of: - **Nayan Sk.**

...petitioner.

Mr. Tapodip Gupta
Mr. Suman Bhanja

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mrs. Shaila Afrin

...for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner is in custody for one year, nine months and four days. Only six out of 21 witnesses have been examined. He was the driver of the truck from which seizure was made. The owner of the truck has been enlarged on bail by the Hon'ble Supreme Court. He prays for bail.

2. Learned Additional Public Prosecutor appearing on behalf of the State, while opposing the bail prayer, draws our attention to the material in the case diary including the seizure list. More than nine thousand bottles of phensedyl were seized. He says that trial has progressed well. The owner and the driver of the truck stand on different footings.

3. We see that by an order dated July 8, 2024, the Hon'ble Supreme Court has granted bail to the owner of the truck in question on the ground that an early conclusion of the

trial does not seem possible. Hence, following the same reasoning and taking into account the already long detention of the petitioner in custody, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Nayan Sk.** shall be released on bail upon furnishing a bond of Rs.25,000/- (Twenty Five Thousand) 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-cum-Additional District Judge, 5th Court at Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the learned Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail being CRM (NDPS) 1141 of 2024 is accordingly disposed of.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)