

CRM (NDPS) 1185 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhadreswar Police Station** Case No. **190 of 2021** dated **03.06.2021** under Sections **20(b)(ii)(c)** of the Narcotic Drugs & Psychotropic Drugs (NDPS) Act.

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In the matter of : Biswajit Debnath @ Biswa & Ors.

.... Petitioners.

Mr. Dattatreya Dutta,
Mr. Dibakar Sardar,

... For the Petitioners.

Mr. Subrata Roy,
Mr. Rajashree Tah,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioners say that they are in custody for 3 years 2 months. They say that the two independent witnesses to the seizure have been declared hostile. On July 3, 2024, Section 313 Cr.P.C. procedure was held. The next date is December 23, 2024. They pray for bail.
2. While opposing the prayer, learned advocate for the State says that the involvement of the petitioners in the alleged crime is evident. The next date has been fixed for argument. The trial will conclude on an early date.
3. We find from the records that the two independent witnesses being PW-6 and PW-7, to the seizure, have both been declared hostile. Further, the petitioners have been in custody for an unduly long period of time. May be witness action is over. That does not necessarily mean that the trial will be concluded at an early date.

4. In view of the long detention of the petitioners and the delay in progress of trial, we are inclined to allow the prayer for bail.
5. Accordingly, we direct that the petitioners, namely, **Biswajit Debnath @ Biswa, Tarun Malik @ Bubai, Koushik Nath @ Bapi** shall be released on bail upon furnishing a bond of Rs. 25,000/- each, 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, Hooghly and on further conditions that they shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders and on further condition that they shall not leave the district of Hooghly.
6. The petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. 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.)

