

01.10.2024
Item no. 85.
Court No.28.
AB
(Allowed)

CRM (NDPS) 1512 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Sankrail Police Station Case No.1527 of 2021 Dated 24.12.2021 under Sections 20(b)(ii)(c)/25/27A/28/29 of the NDPS Act

And

In the matter of : Bishnu Saha

.....Petitioner.

Mr. Satarup Purkayastha,
Mr. Jagriti Bhattacharyafor the Petitioner.

Mr. Iqbal Kabir,
Ms. Dona Sanyalfor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner renews his prayer for bail, which was rejected earlier on January 19, 2024. He prays for bail primarily on the ground of delay in conclusion of trial. He says that he is in custody for more than two years and eight months. He cites an order dated September 2, 2024, passed by the Hon'ble Supreme Court on a Special Leave Petition filed by a co-accused person. By that order, the Hon'ble Supreme Court enlarged on bail a co-accused person, being Utpal Roy, on the ground of he having undergone incarceration for more than two and half years.
2. Learned Advocate for the State, while opposing the prayer for bail, points out that the last prosecution

witness is in the process of being examined. Huge quantity of ganja was recovered from this petitioner.

3. We find that this petitioner stands on the same footing as Utpal Roy, who was granted bail by the Hon'ble Supreme Court only due to delay in progress of trial and long custodial detention. Therefore, we are inclined to allow the petitioner's prayer for bail.
4. Accordingly, we direct that the petitioner, namely **Bishnu Saha** shall be released on bail upon furnishing a bond of Rs.25,000/-, 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 at Howrah, and on further conditions that he shall not leave the jurisdiction of the Sankrail Police Station except for the purpose of attending Court proceedings and shall report to the Officer-in-Charge of the Sankrail Police Station once in a week until further orders.
5. The petitioner 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 and/or commit any cognizable offence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the

petitioner's bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)