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27-11-2024
(ct. no.29)
S. De
(Allowed)

CRM (NDPS) 1705 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Krishnaganj Police Station Case No. 163 of 2023 dated 06.05.2023 under Sections 21(c)** of the Narcotic Drugs & Psychotropic Substances Act 1985.

- A n d -

In the matter of : Swapan Biswas @ Megha.

.... Petitioner.

Mr. Snehangsu Mazumder,

... For the Petitioner.

Mr. Antarikhya Basu

Ms. Debadrita Mondal,

... For the State.

Order dictated by Arijit Banerjee, J.

1. The petitioner says that he stands on a better footing than Dipankar Sarkar @ Dobil who is the prime accused and who was granted bail by this Bench on August 19, 2024 in CRM (NDPS) 1223 of 2024. He says that there was no recovery from him. He was not present at the spot where seizure of contraband items was made. He is in custody for 164 days. Nothing has progressed in the trial.
2. Opposing the prayer, learned State advocate draws our attention to the material in the case diary. We have seen the seizure list. The seizure list does not name this petitioner. The recovery was from a Scooty. There is nothing on record to show that this petitioner is the owner of the said Scooty.
3. In view of the restriction in Section 37 of the N.D.P.S. Act being sufficiently diluted, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Swapan Biswas @ Megha** shall be released on bail upon furnishing a bond of Rs. 25,000/- with two sureties of Rs.12,500/- each, one of whom must be local, to the satisfaction of the Learned Judge, Special Court (under the NDPS Act), Nadia, Krishnanagar and on further conditions that he 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.
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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)