

20.12.2024
Item no. 47.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1781 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 Lalgola Police Station Case No.427 of 2017 Dated 13.09.2017 under Sections 21C/29 of the NDPS Act

And

In the matter of : Saidul Biswas @ Biplab @ Saidul Haque

.....Petitioner.

Mr. J. I. Hossain for the Petitioner.

Ms. Faria Hossain
Mr. S. Basu Roychoudhury.....for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner has submitted that the petitioner is languishing in judicial custody for about 146 days. The accused persons, from whose custody contraband items were recovered, have been acquitted in the relevant trial proceedings. There is no chance of success for the prosecution in this case also. There was no recovery of contraband items from this petitioner. The petitioner may be granted bail on any condition.
2. Learned Counsel for the State opposes the prayer for bail. According to him, the petitioner absconded for more than seven years for which the trial could not be proceeded with against him.

3. We have considered the materials on record. It appears that other accused persons from whom contraband items were recovered, were acquitted in the relevant trial proceedings. Nothing was recovered from this petitioner.
4. In view of such materials on record, we are of the opinion that the restrictions in Section 37 of the NDPS Act stand diluted and we are inclined to allow this application for bail.
5. Accordingly, we direct that the petitioner, namely **SAIDUL BISWAS @ BIPLAB @ SAIDUL HAQUE** 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 at Berhampore, Murshidabad, 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.
6. 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.
7. 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.

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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)