

C.R.M. (NDPS) 1876 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure as amended /under Section 483 of the Bharatiya Nagarik Surksha Sanhita, 2023, in connection with **NCB Crime No. 04/2023** and **NDPS Case No. 02/2023** under **Section 8(c) read with Sections 20(b)(ii)(C)** and **Section 29** of the Narcotic Drugs and Psychotropic Substances Act.

And

In the matter of : **Nitish Kumar.**

Mr. Jaydeep Biswas,
Mr. Ashok Das,
Mr. Sourav Mukherjee,
Mr. Hasi Jana, ...for the Petitioner

Mr. Himangshu De,
Mr. Kalidas Saha,for the N.C.B.

1. Petitioner is in custody for about 2 years. There is no progress in trial. He prays for bail.
2. Mr. Himangshu De, learned senior advocate appears for NCB.
3. We have considered the material on record. 24 Kgs. of Ganja was recovered from the petitioner and co-accused. He is in custody for about 2 years. One witness has been examined in part. There is little possibility of trial concluding in near future.
4. Accordingly, we direct the petitioner namely, **Nitish Kumar** shall be released on bail upon furnishing a bond of Rs.10,000/- 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), Howrah subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever or commit similar offences in future and on further condition that the petitioner, while on bail shall remain within the district of Howrah and shall furnish the address

where he will be residing to the Investigating Officer in whose jurisdiction he will be residing and jurisdictional Court until further orders.

5. In the event petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the 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 is, thus, allowed and disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)