

65. 06.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (NDPS) 241 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Gaighata** Police Station Case No. **1023/2022** dated **30.10.2022** under Section **20(b)(II)(B)** of the NDPS Act, 1985.

And

In the matter of: - **BISWAJIT KAR**

...petitioner.

Mr. Manojit Debnath

...for the petitioner.

Mr. Anand Keshari

Mr. Asraf Mondal

...for the State.

Dictated by Arijit Banerjee, J.

1. Memo of Evidence filed by the State be kept with the records.
2. The petitioner says that he is in custody for two years and four months. Even charge has not been framed. Intermediate quantity of *ganja* was allegedly seized from him. He prays for bail.
3. Learned State Counsel, while opposing the bail prayer, says that this petitioner has several criminal antecedents. 12 criminal cases are pending against him.
4. The petitioner may be the worst criminal in the world. Nobody stops the prosecution from securing his conviction and punish him in accordance with law. However, the trial cannot be kept pending for an unreasonably long period of time. For two years four months the petitioner is in custody in this case. Even

charge has not been framed. Since the trial has not even begun, nobody can say when the same will conclude.

5. Considering that intermediate quantity of contraband is involved and the period of detention of the petitioner and considering that investigation is complete, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **BISWAJIT KAR** shall be released on bail upon furnishing a bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, North 24-Parganas at Barasat, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall remain within the territorial jurisdiction of Barasat Police Station (jurisdiction of the learned Trial Court) and shall furnish his present address to the Inspector-in-Charge of the said Police Station as well as the learned Trial Court and shall also meet the Inspector-in-Charge of the said Police Station twice a week, until further orders.

7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (NDPS) 241 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)