

28.11.2025
Item no. 77.
Court No.8.
AB
(Allowed)

CRA (DB) 332 of 2025

In Re:- An Appeal under Section 21(4) of the NIA Act, 2008 in connection with NIA Special Case No.5 of 2024 (RC-16/2024/NIA DLI Dated 08.10.2024) Under Section 288 of the B.N.S. read with Section 3/4/5 of the Explosive Substance Act

In the matter of : Dhananjoy Gorai @ Dhananjay Garai

.....Appellant.

Mr. Koushik Chowdhuryfor the Appellant.

Mr. Arun Kr. Maiti (Mohanty), Spl. PP
Mr. Bhaskar Prosad Banerjee, Spl. PP
Mr. Debasish Tandon, PPfor the NIA.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against an order of the NIA Special Court, whereby the appellant's prayer for bail was rejected.
2. The appellant says that he is in custody for almost one year three months. Investigation is complete. Charge sheet has been submitted. A co-accused person standing on the same footing has been granted bail by a Coordinate Bench by an order dated June 9, 2025, passed in CRA (DB) 108 of 2025. He prays for bail.
3. Learned Counsel for the NIA strongly opposes the prayer. He says that the present appellant does not stand on the same footing as the co-accused Karimul Khan, who was extended the privilege of bail by a Coordinate Bench. At that time, the charge had not been framed. Now, charge has been

framed and trial is in progress. Therefore, bail should not be granted. He further says that the present appellant was found to be in proximity with the person who was carrying explosive which exploded causing that person's death.

4. We have considered the facts and circumstances of the case. We see that certain recoveries were made from the present appellant. However, the same was in the case of Karimul Khan, who has been granted bail. We do not see how the present appellant stands on a different footing from Karimul Khan.

5. On the ground of parity and also considering the period of detention of the appellant, since charge has already been framed, we are inclined to allow the appellant's prayer for bail.

6. Accordingly, we direct that the appellant, namely **Dhananjoy Gorai @ Dhananjay Garai** shall be released on bail upon furnishing a bond of Rs.50,000/-, with five sureties of like amount each, two of whom must be local, to the satisfaction of the learned Special Court, Calcutta under the NIA Act and on further conditions that he shall appear before the Trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever. He shall reside within the municipal limits of Kolkata and/or Bidhannagar Commissionerate and shall provide the address where he shall presently reside to the Investigating Officer as well as to the jurisdictional Court and

shall report to SP, NIA, Kolkata, once in a week until further orders.

7. In the event he fails to appear before the Trial Court without justifiable cause, the Trial Court shall be at liberty to cancel his bail automatically without reference to this Court.

8. The prayer for bail is allowed.

9. CRA (DB) 332 of 2025 is disposed of.

10. 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.)