

16.10.2025
Item No.DL241
Court No. 16
Vacation
Bench

ALLOWED

Asraf & Sudipta

In the High Court at Calcutta
Criminal Miscellaneous Jurisdiction
Appellate Side

Case No. CRM (NDPS) 1120 of 2025

In Re : An application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Hogolberia Police Station Case no.221 of 2023 dated 26.09.2023 under Sections 21(c) and 29 of the NDPS Act.

-AND-

In Re : **AMIT SWARNAKAR alias AMIT KUMAR SWARNAKAR**
.....Petitioner

For the Petitioner :

Mr. Sabir Ahmed
Mr. Md. G. N. Imrohi
Mr. Dhiman Banerjee

.....Advocates

For the State :

Mr. Saibal Bapuli, APP
Mr. Manoranjan Mahata
Mr. Arani Bhattacharyya

.....Advocates

1. It is submitted on behalf of the petitioner that the petitioner was granted anticipatory bail on 19.12.2023 in connection with the instant police station case, however, he could not comply with the directions by way of surrender since he was arrested in connection with a different case and presently he is languishing behind the bars.
2. It is further submitted by the petitioner that several complaints have been lodged falsely implicating him. It is the stand taken by the investigating authority against him that immediately after he will be released, he shall be

arrested again in connection with other cases. That apart, he is in custody for more than 85 days.

3. The learned counsel for the State raises objection on the ground that no specific averment has been made in the petition that he could not comply with the direction as he was behind the bars in connection with other cases.
4. After hearing the learned advocates for the parties and going through the materials on record including the order passed by the Division Bench on 19.12.2023 whereby the order of anticipatory bail was granted with the observation that nothing was seized from his possession and the implication of the present petitioner was on the basis of the statement of the co-accused and from the order passed by the learned Trial Court on 26th August, 2025 that he failed to comply with the direction to furnish the bail bond since he was apprehended in connection with other cases and considering the fact that the petitioner is languishing in custody for more than 85 days, this Court is inclined to allow the prayer for bail.
5. Accordingly, the prayer for bail is allowed.
6. The petitioner be released on bail upon furnishing bond of Rs.25,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court, NDPS, Krishnagar, Nadia subject to the condition 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. The petitioner shall appear before the Trial Court on every date of hearing and shall not intimidate the witnesses and / or tamper with evidence in any manner whatsoever.

7. In the event, the petitioner fails to adhere to any of the conditions mentioned above without justifiable cause, the learned Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
8. The application for bail is, thus, disposed of.
9. Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

[Chaitali Chatterjee (Das), J.]