

24.09.2025
Item no. 166
Ct. No. 29
(ALLOWED)

C.R.M. (NDPS) 1166 of 2025

In Re:- An application for bail under section 439 of the Code of Criminal Procedure, 1973/ under section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with TR Case No. 11 of 2023 arising out of Sankrail Police Station Case No. 292 of 2023 dated 21.04.2023 under sections 20(b)(ii) (c) of the NDPS Act, 1985.

BD.

In the matter of : **Swarbeswar Jani @ Sarbeswar Jani**
.... Petitioner.

Mr.Mritunjay Chatterjee
Mrs. Suchismita Chakraborty ... for the petitioner.

Mr. Antarikhya Basu
Ms. Ayana Dey ... for the State.

Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant proceeding and nothing was recovered from his possession. However, petitioner was granted bail by this Court in CRM (NDPS) 633 of 2024 on 10th April, 2024. Petitioner complied the terms and conditions imposed in the bail order. However, he is a migrating day labour and could not attend the court on 21st May, 2025 for which warrant of arrest was issued and he was apprehended from the State of Orissa. He is in custody since 23rd June, 2025 i.e., for about 91 days.

Mr. Basu, learned counsel appearing on behalf of the State opposed the bail prayer contending that trial is going on and the evidence of P.W.2 is continuing and the prosecution proposes to examine 13 witnesses.

Having heard learned counsel appearing on behalf of the petitioner and the State, and that there is hardly any chance of early conclusion of trial, the prayer for bail made by the petitioner is allowed.

Accordingly, the petitioner namely, **Swarbeswar Jani @ Sarbeswar Jani**, shall find bail of Rs. 20,000/- with two registered sureties of Rs. 10,000/- each, one of which must be local, subject to the satisfaction of learned Chief Judicial Magistrate, Howrah, and also on condition that the petitioner shall not leave the geographical limit of District- Howrah, without the leave of the trial court, and shall report to the Inspector-in-charge/Officer-in-Charge, Howrah Police Station, District- Howrah, once in a week until further order.

It is further ordered that the accused person shall not mis-use the liberty granted by this Court and he shall not tamper with any evidence orally or documentary during the trial. He shall not absent himself on any day during trial and shall not commit any offence while on bail. He shall give his cell phone number to the local police station and shall not change it without prior permission of the trial court and he shall not in any manner try to delay the trial. The petitioner shall not leave the jurisdiction of the trial court without taking leave from the Court below. In case of violation of any of the conditions the trial Court will be at liberty to cancel

the bail without making any further reference to this Court.

Be it mentioned, that anything said herein shall not be construed as an expression of opinion on the merits of the case by this Court.

Accordingly, C.R.M. (NDPS) 1166 of 2025 is disposed of.

Urgent photostat certified copy of this order, duly applied for, be given to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)