

CRM (NDPS) 1776 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **NCB Crime No. 10/NCB/KOL/2022** dated **04.03.2022** under Section **20(b)(ii)(C)/29** of the NDPS Act.

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In the matter of : Pabitra Nayak & Anr.

.... Petitioners.

Mr. Toslim Ali,

... For the Petitioners.

Mr. Rajendra Banerjee,
Ms. Rini Bhattacharyya,

... For the NCB.

Order dictated by Arijit Banerjee, J.:

1. From the status report filed by NCB, we find that 3 out of 5 charge sheet named witnesses have been examined. The trial is proceeding at a snail's pace as we recorded in our order dated December 20, 2024. Learned Advocate for the NCB says that NCB is unable to secure the presence of the two independent witnesses and that is why the delay. Whatever be the reason, the delay is not attributable to the petitioners herein. They are in custody for about three years.

2. We see that the Hon'ble Apex Court was pleased to grant bail to two accused persons by order dated December 20, 2024 passed in Criminal Appeal No. 5588 of 2024, on the ground of long incarceration of the said accused persons.

3. Therefore, we are inclined to enlarge the petitioners on bail.

4. Accordingly, we direct that the petitioners, namely, **Pabitra Nayak and Soumya Ranjan Nayak**, shall be released on bail upon furnishing a bond of Rs. 25,000/- each, with two sureties of like

amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the NDPS Act, Howrah, subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners while on bail shall not leave the jurisdiction of the Howrah Police Station and shall meet the I.C. of the said police station twice every week until further orders.

5. In the event the petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' bail in accordance with law without further reference to this court.

6. The application for bail is, accordingly, allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)