

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (NDPS) 1813 of 2024

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 **NCB Crime No. 66/NCB/Kol/2021** under Sections **8(C)/20(b)1/A/22(c)/23/29** of the Narcotic Drugs & Psychotropic Substances Act, 1985.

And

In the matter of: - **Rajat Bhaskar Nayak.**
...petitioner.

Mr. Sreyash Kumar Singh,
...for the petitioner.

Mr. Gouranga Kumar Das,
Mr. Uttam Basak
...for the NCB.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is custody for about three years and four months. He renews his prayer for bail, which was last rejected on April 19, 2023. He claims parity citing an order dated September 26, 2024 passed by this Bench in CRM (NDPS) 1072 of 2024, whereby a co-accused person, namely, *Prabhakar Choudhary* was enlarged on bail primarily on the touchstone of Article 21 of the Constitution of India, noting the prolonged detention of that person. The petitioner says that he is in custody for more than the period suffered by *Prabhakar Choudhary*. Further, there is no call detail reports, indicating this petitioner’s involvement nor is there any money trail

leading to this petitioner as was in the case of *Prabhakar Choudhary*. Therefore, on merits also, this petitioner stands on a better footing than the aforesaid co-accused person, who has been enlarged on bail by this court.

2. Learned advocate for the Narcotics Control Bureau files a report. Let the report be kept with the records. While opposing the prayer for bail, learned advocate, in his usual fairness, does not dispute that this petitioner stands on a better footing than to the aforesaid *Prabhakar Choudhary*.
3. We also find that two other persons have also been enlarged on bail by a co-ordinate bench.
4. In view of the aforesaid, we **allow** the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Rajat Bhaskar Nayak** 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 learned *Judge, Bench-I, NDPS Act, City Sessions Court, Calcutta*. 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 the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not leave the jurisdiction of the New Town Police Station except for the purpose of attending court proceeding and shall report to

the Officer-in-Charge/Inspector-in-Charge of the said police station once in a fortnight, until further orders.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this court.
7. The application for bail being CRM (NDPS) 1813 of 2024 is, thus, disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)