

05.03.2025
Item No.6
Court No.26
CHC
Allowed

CRM (NDPS) 1817 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure, 1973 read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **NCB** Crime Case No. **15/NCB/KOL/2022** dated 13.05.2022 under Section 8(c) and read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 and subsequently, Charge-sheet submitted under Sections 8(c) and read with Section 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

-And-

In the matter of : Nimai Biswas

... .. Petitioner

Mr. Joydeep Biswas, Advocate
Mr. Amanul Islam, Advocate
Mr. Sourav Mukherjee, Advocate
Mr. Kaushik Ghosh, Advocate
... .. For the Petitioner

Mr. Arun Kumar Maiti (Mohanty), Advocate
Mr. Piyas Choudhury, Advocate
... ..For the NCB

1. Application for bail is taken up for consideration subsequent to order dated February 26, 2025.
2. Prosecution witnesses deposed at the trial.
3. Such prosecution witnesses are unable to identify the place from where the contraband was seized to be belonging to the petitioner before us.
4. Petitioner was not present at the time of seizure. Seizure was made from a place which is not owned by the petitioner.

5. In such circumstances, we are of the view that, petitioner is able to overcome the restrictions under Section 37 of the NDPS Act, 1985.
6. In such circumstances, we grant bail to the petitioner.
7. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **Learned Judge, Special Court, under NDPS Act, Krishnagar, Nadia,** subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
8. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
9. The prayer for bail of the petitioner is **allowed**.
10. CRM(NDPS) 1817of 2024 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)