

07.01.2025
Item no. 61.
Court No.29.
AB
(Allowed)

CRM (NDPS) 1882 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Special Task Force Police Station Case No.07 of 2021 Dated 13.03.2021 under Sections 21(c)/27A/29 of the NDPS Act

And

In the matter of : Fani Biswas

.....Petitioner.

Mr. Navanil De,
Mr. Srinjan Ghosh for the Petitioner.

Mr. Joydeep Biswas for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about three years and ten months. Only 2 out of 24 charge sheet named witnesses have been examined in full. Examination of P.W.3 is going on.
2. Learned Advocate for the petitioner draws our attention to an order dated September 20, 2024, passed by the Hon'ble Supreme Court in Criminal Appeal No.3900 of 2024, carried by a co-accused person, namely, Palash Biswas. By the said order, the Hon'ble Supreme Court granted bail to Palash considering the period of incarceration undergone by him and also considering that a co-accused person had been granted bail. The Hon'ble Supreme Court observed that it was expected

that the Trial Court would complete the trial within a period of six months from the date of the order.

3. While opposing the prayer for bail, learned State Counsel says that the period of six months will expire in March, 2025. The prosecution proposes to examine only 7 more witnesses. It is highly likely that the trial will end within the time period indicated by the Hon'ble Supreme Court. There was recovery of more than 1 kilogram of heroin from the joint possession of three accused persons including this petitioner.
4. We have considered the rival contentions of the parties. In our respectful understanding, the observation of the Hon'ble Supreme Court that the trial should be completed within six months, would not stand in the way of the petitioner being granted bail if he has undergone a prolonged period of detention. We have noted above that the petitioner is in judicial custody for about three years and ten months. Since the prosecution intends to examine seven more witnesses, it may not be possible to conclude the trial on an early date.
5. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **FANI BISWAS** shall be released on bail upon furnishing a bond of Rs.25,000/-, with two sureties of Rs.12,500/-

each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under the NDPS Act at Kolkata, and on further conditions 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.

7. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

